

BLUE ASH CITY COUNCIL

July 12, 2012

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1. MEETING CALLED TO ORDER

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on July 12, 2012. Mayor Mark F. Weber called the meeting to order in Council Chambers at 7:00 PM.

2. OPENING CEREMONIES

Mayor Weber led those assembled in the Pledge of Allegiance.

3. ROLL CALL

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

MEMBERS ABSENT: Councilwoman Stephanie Stoller

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

ALSO PRESENT: City Manager David Waltz, Solicitor Mark Vander Laan, Clerk of Council Jamie Eifert, Assistant City Manager James Pfeffer, Assistant City Manager Kelly Harrington, Treasurer Sherry Poppe, Public Works Director Gordon Perry, Administrative Assistant Karla Plank, and interested citizens

4. PUBLIC HEARING – 7:00PM – Consideration of the 2013 Tax Budget (Resolution No. 2012-9)

Assistant City Manager Jim Pfeffer reported that it is a requirement of State law that the City prepares a tax budget in early July of every year which gives an opportunity to review the upcoming year as to revenues and expenditures at first glance. It is not similar to the budget that is done in the fall which is much more complex. This year, the City's Tax and Finance Officer, Amy Moore, and Treasurer, Sherry Poppe, worked together to prepare the tax budget which contains two years of actual information as well as projections for this year and estimates for 2013. A significant amount of money is being targeted for next year for Public Works projects such as sidewalks, bike paths, and streets which are outlined in the Council Memo. After completion of the public hearing and consideration of the Resolution, the city is required to deliver copies of the tax budget to the Hamilton County Auditor's office by July 20th, at which time, they allow the City to receive their distribution of local government funds. However, many of these funds were cut by the State and will continue to be cut in the future years. The tax budget is a routine process which is done every year.

Councilman Bryan added that the tax budget has very little to do with the final budget made for the City which will begin later in the year when the City begins identifying projects, priorities, capital expenditures, etc. This tax budget is a requirement to comply with the State of Ohio Revised Code and releasing local government funds. This tax budget is not an intricate part of the City's planning of its financial situation.

Mr. Pfeffer confirmed Councilman Bryan's summary and added that this tax budget does give the City a preview of what the budget will look like next year.

Mayor Weber closed the public hearing considering the 2013 Tax Budget at 7:03 p.m.

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

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

6. ACCEPTANCE OF REVISED AGENDA

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

1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES

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3. ROLL CALL –Clerk of Council Jamie K. Eifert
4. PUBLIC HEARING – 7:00PM – Consideration of the 2013 Tax Budget (Resolution No. 2012-9)
5. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
6. ACCEPTANCE OF REVISED AGENDA
7. APPROVAL OF MINUTES
 - a. Regular Meeting of June 14, 2012
8. COMMUNICATIONS
 - a. Communications to Council – Clerk of Council Jamie K. Eifert
 - b. Reports From Outside Agencies
 - c. Mayor’s Report – June 2012 – Honorable Mark F. Weber
 - d. Financial Report – Motion to accept the report for June 2012
9. HEARINGS FROM CITIZENS
10. COMMITTEE REPORTS
 - a. Finance & Administration Committee, Rick Bryan, Chairperson
 1. Resolution No. 2012-9, adopting the 2013 Tax Budget
 2. Ordinance No. 2012-39, transferring funds
 3. Resolution No. 2012-10, supporting grant partnership with Sycamore Community Schools and City of Montgomery
 - b. Public Works Committee, Thomas C. Adamec, Chairperson
 1. Ordinance No. 2012-36, awarding bid for 2012 Paving Program
 - c. Planning & Zoning Committee, James W. Sumner, Chairperson
 1. Motion setting 7:05 PM, Thursday, August 9, 2012 as a hearing regarding an appeal to the Board of Zoning Appeals regarding a proposed multi-family residential development and an existing commercial building at 4900 Hunt Road
 2. Ordinance No. 2012-37, authorizing a Tax Increment Financing (TIF) arrangement for the Shell GoCo Municipal Public Improvements
 3. Ordinance No. 2012-38, authorizing a Tax Increment Financing (TIF) arrangement for Forest Pharmaceutical Municipal Public Improvement
11. MISCELLANEOUS BUSINESS
12. EXECUTIVE SESSION
 - a. Property Acquisition – *To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public of interest.*
13. ADJOURNMENT

7. APPROVAL OF MINUTES

Councilman Adamec moved, Councilman Buckman seconded to approve the minutes of the regular meeting of, June 14, 2012. A voice vote was taken. All members present voted yes. Motion carried.

8. COMMUNICATIONS

a. Communications to Council

There were no communications presented to Council.

b. Reports From Outside Agencies

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

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c. Mayor's Report – June 2012

RECEIPTS:

Fines.....	\$ 16,353.00
Vendors/Solicitor's Permits.....	\$0
Bonds carried over.....	\$0
Bonds collected.....	\$0
Bonds applied.....	\$0
Restitution Payment collected.....	\$0
TOTAL RECEIPTS:	\$16,353.00

DISBURSEMENTS:

To Blue Ash	
Fines/costs/Expungements/forfeitures/NSF check charges, vendor permits).....	\$ 9,908.00
To the State of OH:	
Victims of Crime.....	\$3,312.00
General Rev Fund.....	now included in 2b on SC form
Expungements.....	\$30.00
Indigent Defense Support fund.....	\$3,312.00
Drug Law Enforcement Fund.....	\$511.00
Justice Program Service Fund	
Indigent Driver's Alcohol Trtm't Fund.....	\$219.00
Seat Belts.....	\$915.00
Refund of overpaid fines.....	\$99.00
Bond Money applied.....	\$0.00
Bond Money returned.....	\$50.00
Restitution payment.....	\$157.00
TOTAL DISBURSEMENTS	\$16,353.00

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

Mayor's Court traffic citations.....	155
Mayor's Court criminal citations.....	32
Total Mayor's Court cases.....	187
Blue Ash rev. from Mayor's Ct. Cases:.....	\$9,908.00

d. Financial Report –June 2012

Councilman Bryan moved, Councilman Sumner seconded to accept the Financial Report for June 2012 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

CITY OF BLUE ASH FINANCIAL POSITION STATEMENT- MONTH ENDING June 30, 2012

MONTH TO DATE	2011	2012
START OF MONTH FUND BALANCE:	\$36,754,857.73	\$38,173,255.85
6-1-12		
<u>Revenues:</u>		
Earnings Tax Collections:	2,154,309.05	2,347,635.27
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	944,852.93	799,817.53
= Total Monthly Receipts	3,099,161.98	3,147,452.80
<u>Expenditures:</u>		
Long Term debt retirement	1,126,320.48	1,126,320.48
Short term debt refinancing	0	0
Other Expenditures:	2,843,669.56	5,883,139.73
= Total Monthly Expenditures:	-3,969,990.04	-7,009,460.21
END OF MONTH FUND BALANCE:	35,884,029.67	34,311,248.44
6-30-12		
YEAR TO DATE	2011	2012
START OF MONTH FUND BALANCE:	33,676,246.12	33,264,957.20
6-1-12		
<u>Revenues:</u>		
Earnings Tax Collections:	16,038,532.42	17,480,281.34
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	5,347,752.04	6,172,765.28
= Total YTD Receipts	21,386,284.46	23,653,046.62

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Expenditures:

Long term debt retirement	1,928,827.00		1,911,722.22	
Short term debt refinancing	0		0	
Other Expenditures:	17,925,859.95		20,695,033.16	
= Total YTD Expenditures:		-19,854,686.95		-22,606,755.38
YEAR-TO-DATE FUND BALANCE:		<u>35,207,843.63</u>		<u>34,311,248.44</u>

100% of the fund balance was invested as of 6/30/12. Interest paid to date on matured investments: \$6,602.51. Receipt and expenditure figures do not include interfund transfers.

BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING June 30, 2012

MONTH-TO-DATE STATUS	2011	2012
Business Net Profit	382,612.77	339,668.59
Resident Net Profit	46,200.69	48,642.87
Non-Resident Net Profit	15,149.78	16,666.03
Subcontractor Net Profit	1,209.02	3,721.00
Net Profit Total	445,172.26	408,698.49
Withholding	1,691,228.75	1,915,646.53
Subcontractor Withholding	17,908.04	23,290.25
Withholding Total	1,709,136.79	1,938,936.78
Monthly Collection Totals	2,154,309.05	2,347,635.27
		8.97%

YEAR TO DATE STATUS

Business Net Profit	2,849,584.46	3,192,705.63
Resident Net Profit	638,819.44	625,986.38
Non-Resident Net Profit	152,251.25	149,675.96
Subcontractor Net Profit	23,103.58	57,660.63
Net Profit Total	3,663,758.73	4,026,028.60
Withholding	12,112,673.36	13,194,569.37
Subcontractor Withholding	262,100.33	259,683.37
Withholding Total	12,374,773.69	13,454,252.74
YTD Collection Totals	16,038,532.42	17,480,281.34
		8.99%
YTD Refund Totals	<u>621,781.99</u>	<u>630,847.02</u>

9. HEARINGS FROM CITIZENS

Peter Nord, Kenridge Lake, indicated that he read in the community newspaper about the Emerald Ash Borer problem and noted the City of Montgomery is treating some ash trees. An arborist that Kenridge Lake works with informed Mr. Nord that the only ash trees left in Michigan are in communities that have treated them. The arborist is treating a couple of ash trees in Mr. Nord's yard. He indicated that they measure the tree four feet off the ground, get the diameter, and charge \$10 per inch for treatment every two years. Kenridge Lake has at least one ash tree which has been treated for the last five years against the Emerald Ash Borer. Mr. Nord seemed to think that since the ash tree is the City's name sake tree; and three years ago, he received a letter from the City who knows the location of the blue ash trees in the parks and has even planted several, it seemed logical to him that the City of Blue Ash would identify a few of the nice blue ash trees left in the City parks and treat them. Mr. Nord feels the cost would be minimal and probably less than the cost to cut them down. Mr. Nord suggested to get the community involved and ask for donations from citizens for the \$10 per inch fee for a half dozen trees and, further suggested that a plaque be placed indicating that the tree was saved by the contributing neighborhood. Mr. Nord realized that every blue ash tree in the City cannot be saved but feels that since the City is named after the blue ash tree, he would like to see some of the trees saved in the community.

Hearings from Citizens was declared closed at 7:07 PM.

10. COMMITTEE REPORTS

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

This memo offers a brief description of the topics included on the July 12th Council agenda.

10.a.1. Resolution No. 2012-9 – adopting the 2013 Tax Budget

The necessity of preparing an annual tax budget goes back many years, and is based upon

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requirements within the Ohio Revised Code. The City of Blue Ash, as well as other governmental entities throughout Ohio, is required on an annual basis to prepare a tax budget, to present the budget in a public hearing, and to secure City Council's acceptance of the tax budget via legislation. Under the law, the accepted tax budget must be received by the county auditor's office no later than July 20th of a given year, or the entity's portion of local government funding may be placed at risk.

Although the tax budget process does not compare in detail or complexity to the fall proposed budget effort that the City does every fall, it does provide a "first glance" at the upcoming year helps structure various funds, and identifies the major projects that are anticipated in the upcoming year. Using information from all departments and from historical data, Amy Moore, Finance Director/Tax Commissioner, has been working with Sherry Poppe, Treasurer, on the 2013 Tax Budget, and a copy has been included within the packet for review. In accordance with the notification in the *Northeast Suburban Life-Press*, a copy of the Tax Budget has also been available for review by the public in advance of the public hearing and action by City Council as to the resolution. The format of the Tax Budget is standard, and reflects two years of actual or completed financial operations, an estimate of the current year as to revenues and expenditures, as well as the prediction for 2013. That structure is carried throughout the attached Tax Budget copy which also includes information about the City's debt retirement, major funds, and anticipated major capital projects during the upcoming year.

The information utilized for 2012 is based upon the existing budget for this year with the only exception being an increase in earnings tax above that which was initially projected when the budget was finalized in January of 2012. The value utilized shows a 5% income tax collection increase over 2011 levels from both sources – net profit and withholding. Other than that adjustment, possible due to the positive earning tax collection achievement to-date, all other items match the current budget.

Looking forward into 2013, an estimated increase of 2% in earning tax collections was utilized, and operating expenditures were held essentially in-line with 2012 levels (with the exception of salary and benefit area which was calculated utilizing a 2% increase factor).

One of the more beneficial aspects of the Tax Budget process is identifying the most significant capital projects that are anticipated for the upcoming year. Most of those are shown on Exhibit IV, page 9 – \$500,000 is shown for the annual road paving program, with \$200,000 shown in the Public Works Department for additional sidewalk and bike path installations. Those sidewalk numbers do not include a significant construction project estimated to cost \$905,000 for the design and installation of the Plainfield Road bike path which will be built on the east side of Plainfield Road between Cooper Road and Glendale-Milford Road. A significant component (\$525,000) of the Plainfield Road bike path project is being funded through a CMAQ Grant in the amount of \$525,000 which limits the City's investment to approximately \$380,000.

The most significant capital/construction item shown in the 2013 Tax Budget is a complete rehabilitation of Carver Road. The full estimated cost of \$2,200,000 is shown on page 9 but that does not reflect the approval of an SCIP Loan to the City in the amount of \$1,540,000, again, limiting the City's actual out-of-pocket cost to the \$660,000 range. The loan is on a no interest basis.

Another significant sidewalk project is reflected in the City's Fund No. 449 involving the Cooper Road sidewalk project for installation of a sidewalk on the south side of Cooper Road between Plainfield Road and Waxwing. Again, a CMAQ grant has been secured by the Public Works Director in the amount of \$500,000, which reduces the City's out-of-pocket cost for this project as well. Clearly, the Public Works Department is going to be very busy in 2013!

A total of \$750,000 is shown on page 9 for capital equipment purchased on an annual basis, such as replacement of Police vehicles, Fire Department equipment, technology expenses, and replacement equipment for the Recreation Department.

What is not shown on page 9 is the improvements that are anticipated within Fund No. 445 relating to the design and actual infrastructure and construction efforts at our 130-acre Airport Park. At the present time, only \$1 million is shown from Issue 15 funds for the Airport

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Park development, which essentially covers the land payment. As we approach the fall budget process, a more representative number will be assigned and utilized in the budget at that time.

The Tax Budget does not reflect any issuance of general obligation bonds, even as it relates to the construction of the initial phases of the Airport Park. The City possesses a substantial balance within the Issue 15 reserve (in excess of \$10 million) and enhancements to the Airport Park construction effort in 2013 can be internally funded. Should market conditions dictate that the issuance of debt and the preservation of reserve cash balances would be the best alternative that decision can be made as a part of the proposed or final budget process.

In addition to construction related capital projects, the City will continue its investment in economic development opportunities consistent with past levels. Operationally, 2013 will reflect the continued erosion of the Local Government Funding traditionally provided to the City of Blue Ash and other entities through the State of Ohio. The Tax Budget does reflect a reduction of the Local Government Fund of an estimated \$192,000, as well as the first impact of \$125,000 in lost revenue related to the phase out of the estate tax which becomes effective in 2013.

Certainly, the upcoming year will be a significant one as to construction related activity, both with the Airport Park and within the Public Works area. The efforts of the Public Works Director to secure CMAQ Grants and no interest loan funding through the SCIP Program will greatly benefit the City in reducing the net costs of these projects.

Please direct any questions regarding this resolution to the Treasurer.

10.a.1. Ordinance No. 2012-39 – transferring funds

A transfer Ordinance was presented at the last Council Meeting that requires a modification. In the transfer that was passed under Ordinance No. 2012-33 on June 14, 2012, it was shown that remaining funds in the CMAQ Downtown Fund No. 442 (in the amount of \$500,484.81) needed to be transferred back to the General Fund. Upon preparing to post that transfer to our budgetary software, it was determined that the balance was partially composed of prior year fund balance which had to be addressed separately.

Therefore, the attachment to this Ordinance No. 2012-39 shows a reversal of the transfer out shown on the June transfer, and the proper notation of additional expenditures of fund balance of \$372,377.63 as well as the usage of prior year excess of \$128,107.18.

The only other item involves a \$3,000 revenue and expenditure appropriation relating to a contribution for the Golf Course Maintenance area. Mr. Merle Smith donated \$3,000 for the betterment of the Golf Course and Dan Walter has been working to properly apply those funds to the betterment of the course.

Please direct any questions regarding this ordinance to the Treasurer.

10.a.3. Resolution No. 2012-10 – supporting grant partnership with Sycamore Community School and City of Montgomery

Blue Ash, Montgomery, and Sycamore Community School officials have been meeting for several years to discuss current happenings, common issues, and opportunities for collaboration. While some initiatives have come to fruition such as the new resident welcome event, progress on investigation of prospects for joint efforts has been sluggish. However, the group has identified a new funding source that could greatly assist in this endeavor.

A new state grant, the Local Government Innovation Fund, is now being offered to assist local governments with collaboration and service sharing. Grants are being offered for feasibility studies while loans are being offered for implementation of shared service initiatives. A feasibility study includes a review of all programs and services offered by each entity and identification of those items for which implementation in a collaborative setting could prove beneficial.

Blue Ash, Montgomery, and Sycamore Community Schools have discussed application for a grant to fund a feasibility study which, if awarded, would be conducted by Management Partners. If the entities were not successful in securing a grant, they would pay Management Partners for the cost of the application (\$2,000 total or \$667 each).

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Resolution 2012-10 is a necessary component of this grant application as it demonstrates commitment to the partners and the project. If approved, the resolution will be submitted with a grant application next month.

For questions regarding this resolution, please contact Assistant City Manager Kelly Harrington.

10.b.1. Ordinance No. 2012-36 – awarding bid for 2012 Paving Program

Bids were recently solicited for the 2012 Paving Program with advertising for this bid included in the May 13th **NORTHEAST SUBURBAN LIFE-Press**. Bids for the 2012 Paving Program were opened on June 27th. We received four bids, and the Administration is recommending Council authorize a bid award to the base bid low bidder, Prus Construction. The bids were very close to the engineer’s estimate.

BIDDER	BASE BID	ALTERNATE 1	ALTERNATE 2	ALTERNATE 3
Prus Construction	\$582,745.53	\$33,156.60	\$90,742.50	\$6,405.00
Mt. Pleasant	\$604,993.25	\$35,370.00	\$59,520.00	\$6,496.50
John R. Jurgensen	\$609,709.40	\$34,753.00	\$112,955.00	\$10,065.00
Barrett Paving	\$642,126.08	\$37,905.20	\$106,360.00	\$9,150.00

A summary of this year’s paving program is shown below:

- Asphalt milling, base repair, repaving and curb repair: Edenton Lane, Raven Lane, Twinbrook Court, Crosier Lane, Zig Zag Road, Fallsington Court and Interstate Circle. Curb work: Kenwood Road, Towne Square Avenue, YMCA Drive, Jardin Place and Ashview Place.
- Alternate No. 1 – Asphalt milling, base repair, repaving and curb repair: Boardwalk Court.
- Alternate No. 2 – Downspout discharge collector pipe installation: Fallsington Court.
- Alternate No. 3 – Miscellaneous curb replacement: Indeco Drive and Indeco Court.

Please direct any questions regarding this ordinance to the Public Works Director, Gordon Perry.

10.c.1. Ordinance No. 2012-37 – authorizing a Tax Increment Financing (TIF) arrangement for the Shell GoCo Municipal Public Improvements

In 2010, City Council approved tax increment financing (TIF) related to the new Target store. At that time, the City identified numerous future infrastructure improvements (mostly related to traffic) that would be supported by the TIF revenues. In February of this year, Council approved Ordinance 2012-15, the construction of a retail store including two restaurants at the 9188 Plainfield Road, Shell Station. While not a large project when compared to the Target development, the GoCo Shell construction could also contribute to the previously identified infrastructure improvements needed in the vicinity in the form of a TIF. While making the school districts (Sycamore Community Schools and Great Oaks Vocational Schools) 100% whole, annual TIF revenue from this project is estimated to be \$6,000 per year over 30 years.

Please direct any questions regarding this ordinance to the Assistant City Manager, Kelly Harrington.

10.c.2. Ordinance No. 2012-38 – authorizing a Tax Increment Financing (TIF) arrangement for Forest Pharmaceutical Municipal Public Improvement

This Ordinance relates to another TIF in the Osborne Boulevard vicinity. Previously, the City, in partnership with the school district, TIFed the intelligence parcel which supported the construction of Ilmenau Way and the burial of nearby utility lines. Subsequently, the City TIFed the “non intelligence” Duke Realty-owned parcels in the vicinity to assist with future infrastructure improvements. One of these parcels is now owned by Forest Pharmaceuticals after their recent acquisition of three properties south of Osborne Boulevard abutting

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Kenwood Road (Duke Realty and CSP properties). To round out this area, staff recommends TIFing the final two parcels now owned by Forest Pharmaceuticals. Like the Shell TIF, this TIF ensures that the schools are made 100% whole.

Please direct any questions regarding this ordinance to the Assistant City Manager, Kelly Harrington.”

a. Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Resolution No. 2012-9 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2012-9

A RESOLUTION ADOPTING A 2013 TAX BUDGET

Councilman Bryan moved, Vice Mayor Czerwonka seconded to adopt Resolution No. 2012-9.

There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Six yeases. Resolution No. 2012-9 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2012-39 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2012-39

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2012-5 FOR THE YEAR 2012 (AS SHOWN ON ATTACHMENT); AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Sumner seconded to adopt Ordinance No. 2012-39.

There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Bryan, Sumner, Buckman, and Mayor Weber voted yes. Six yeases. Ordinance No. 2012-39 passed.

Councilman Bryan asked the Clerk to read Resolution No. 2012-10 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2012-10

AUTHORIZING THE SUPPORT OF A GRANT PARTNERSHIP WITH SYCAMORE COMMUNITY SCHOOLS AND THE CITY OF MONTGOMERY

Councilman Bryan moved, Vice Mayor Czerwonka seconded to adopt Resolution No. 2012-10.

Councilman Bryan commented that he feels this is a good example of multi-jurisdictional cooperation and that opportunity will come out of this partnership.

There being no discussion, the Clerk called the roll. Councilpersons Adamec, Bryan, Sumner, Buckman, Czerwonka, and Mayor Weber voted yes. Six yeases. Resolution No. 2012-10 passed.

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b. Public Works Committee, Thomas C. Adamec, Chairperson

Councilman Adamec asked the Clerk to read Ordinance No. 2012-36 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2012-36

AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT FOR THE 2012 PAVING PROGRAM FOR THE
UNIT PRICES AS SHOWN ON THE ATTACHED BID
SUMMARY; AND DECLARING AN EMERGENCY

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

Councilman Adamec moved, Councilman Bryan seconded to adopt Ordinance No. 2012-36.

Public Works Director Gordon Perry explained that the Paving Program for 2012 has various curb repairs throughout the City which are mostly minor repairs with the exception of the roads that the City is actually doing paving work. The City did receive a Municipal Road Fund Grant of \$50,000 to help in the curb repairs on Kenwood Road north of Cooper Road to Catalpa Creek Drive along with repairs on Towne Square and YMCA. The City's Paving Program is targeted in some of the older residential areas within the City such as Raven Lane, Edenton Lane, Boardwalk Court, Zig Zag Road, Crosier Lane and Twinbrook Court. The City will also be paving Fallsington Court along with some storm water improvements as well. There should not be any major impact or delays with traffic.

There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Six yeses. Ordinance No. 2012-36 passed.

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

Councilman Sumner moved, Vice Mayor Czerwonka seconded to set 7:05PM, Thursday, August 9, 2012 as a public hearing regarding an appeal to the Board of Zoning Appeals regarding a proposed multi-family residential development and an existing commercial building at 4900 Hunt Road.

Councilman Sumner noted that this motion setting a public hearing is purely an administrative procedure to allow a hearing to appear on the August 9th agenda as this is the only meeting in August. This is merely a convenience to the developer who has not formally filed an appeal but has indicated that they will be filing one which will avoid delaying the process into September. If the developer does not file or does not have sufficient information to consider the hearing, then the August hearing will not be held.

A voice vote was taken. All members present voted yes. Motion carried.

Councilman Sumner asked the Clerk to read Ordinance No. 2012-37 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2012-37

AN ORDINANCE DECLARING IMPROVEMENTS TO A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF BLUE ASH, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40 OF THE OHIO REVISED CODE, PROVIDING FOR THE EXEMPTION OF SUCH IMPROVEMENT FROM REAL PROPERTY TAXATION, PROVIDING FOR THE HAMILTON COUNTY AUDITOR TO DISTRIBUTE SERVICE PAYMENTS TO THE SCHOOL DISTRICTS OF SYCAMORE COMMUNITY SCHOOLS AND THE GREAT OAKS INSTITUTE OF TECHNOLOGY AND CAREER DEVELOPMENT IN THE AMOUNT THEY WOULD OTHERWISE RECEIVE ABSENT THE EXEMPTION, CREATING THE SHELL GOCO MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT

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OF THE REMAINDER OF SUCH SERVICE PAYMENTS, AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THOMPSON HINE LLP; AND DECLARING AN EMERGENCY

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

Councilman Sumner moved, Councilman Adamec seconded to adopt Ordinance No. 2012-37.

Councilman Sumner questioned whether the Gilligan Oil Company knows that the City is requesting this TIF and requested a courtesy letter be sent to Gilligan advising them.

Assistant City Manager Kelly Harrington agreed to send a courtesy letter and further indicated that this does not impact Gilligan Oil Company's development and they are required to pay their property taxes as they normally would to the Hamilton County Auditor.

There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Bryan, Sumner, Buckman, and Mayor Weber voted yes. Six yeases. Ordinance No. 2012-37 passed.

Councilman Sumner asked the Clerk to read Ordinance No. 2012-38 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2012-38

AN ORDINANCE DECLARING IMPROVEMENTS TO PARCELS OF REAL PROPERTY LOCATED IN THE CITY OF BLUE ASH, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40 OF THE OHIO REVISED CODE, PROVIDING FOR THE EXEMPTION OF SUCH IMPROVEMENT FROM REAL PROPERTY TAXATION, PROVIDING FOR THE HAMILTON COUNTY AUDITOR TO DISTRIBUTE SERVICE PAYMENTS TO THE SCHOOL DISTRICTS OF SYCAMORE COMMUNITY SCHOOLS AND THE GREAT OAKS INSTITUTE OF TECHNOLOGY AND CAREER DEVELOPMENT IN THE AMOUNT THEY WOULD OTHERWISE RECEIVE ABSENT THE EXEMPTION, CREATING THE FOREST MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF SUCH SERVICE PAYMENTS, AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THOMPSON HINE LLP; AND DECLARING AN EMERGENCY

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

Councilman Sumner moved, Councilman Adamec seconded to adopt Ordinance No. 2012-38.

There being no discussion, the Clerk called the roll. Councilpersons Bryan, Sumner, Buckman, Czerwonka, Adamec, and Mayor Weber voted yes. Six yeases. Ordinance No. 2012-38 passed.

11. MISCELLANEOUS BUSINESS

Mr. Perry reported that Ilmenau Way is nearly complete. The roadway has been opened to traffic. Striping was completed; however, there are a few remaining items to finalize, namely, one fiber optic utility cable still on the poles that needs to be switched over which should be done by the end of the month.

Mr. Perry further advised of two ODOT projects. One was the Plainfield overpass project which should be completed by the end of next week. There is some minor paving to do at the end of the bridge and guardrail tubing repairs to the east side of the bridge. The concrete pavement will be sealed next week so there will be some construction zone shifting of traffic. Also, ODOT is going to have a preconstruction meeting the week of July 19th for

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the I-71 Pfeiffer Road interchange improvements which are expected to begin in late July or August and will be a two year project. More information will be provided through our communications channels to inform our businesses and the public in hopes to help ease the traffic issues.

Vice Mayor Czerwonka thanked Mr. Perry and his department when the wind storm came through the City, and how his crew hustled to clean up the debris and even noticed that Mr. Perry, himself, was directing traffic on Reed Hartman Highway.

Mr. Perry indicated that his crew tries to do the best that can be done to get it cleaned up and there were some areas that were hit harder than others. Due to the holiday, all the work that was going on elsewhere, the Public Works Department had a couple of crews out working to continue to clean up and are doing a whole sweep of the entire City.

Councilman Adamec questioned Mr. Perry regarding the sidewalk north of Ilmenau Way and between the new DiBella's sub sandwich restaurant where there seems to be a pole in the way.

Mr. Perry indicated that there are guy-wires in the way and until the City gets the fiber optic company to remove their line from the pole, these cannot be removed.

City Manager David Waltz stated that with regard to the ash tree issue, he recalls a conversation several years ago that our City staff had regarding this issue. They have done a lot of cost benefit analysis and risk mitigation on this difficult issue. Mr. Waltz is currently unaware if there are a couple of trees that are being worked on to preserve them, but he recognizes that the City has already lost quite a few trees because the infestation. The infestation isn't seen until a couple of years after it has already hit. Mr. Waltz knows our staff is aware and is sensitive to it. He knows how the Blue Ash community loves trees. Each time the staff cuts down tree, they are frequently asked why a perfectly good looking tree is being cut down. Recently, the City removed over 60 Ash trees on Cornell Park Drive because they were dead. The City hopes to plant new trees over the next year or two.

Councilman Sumner complimented Mr. Perry and his department when he had to contact the Service Department to have some brush removed from his residence. Despite not wanting to be identified, the Service crew was at his residence within 15 minutes to collect it.

Councilman Bryan indicated that he entertained guests from out-of-town and they were very complimentary about how great the downtown flowers looked. Councilman Bryan commended the City staff in taking such great care of the flowers and the City.

Councilman Buckman further complimented City staff for the beautiful flowers downtown and expressed how impressed his guests were with the Cooper Creek Event Center.

Councilman Buckman also inquired about the trees along Plainfield Road next to Target and wondered if they were dying or wilting from the summer heat.

Mr. Perry replied that he was uncertain but knows the trees are covered under warranty by the landscaping company and will look into the matter.

Council Adamec extended his thanks to the Parks and Recreation and City staff for a great job with the 4th of July – Red, White and Blue Ash event. It was phenomenal.

Vice Mayor Czerwonka expressed his gratitude to the City staff and the team effort of Administration, Parks and Recreation, Police, Fire, Service Department, etc. at the 4th of July – Red, White and Blue Ash event. There were very few, if any, incidents despite such a large crowd. It was flawless.

Mayor Weber commented on the wind storm and the effect of all the brush and wood that had fallen by trees that was laying in front of many residents' yards and the exceptional clean-up efforts by our City workers. It is almost something that is taken for granted the service that we get through our City. Cities can be rated in a variety of ways, but when it comes to amenities and services provided to citizens, no one can do better than the City of Blue Ash. The job that Public Works and the Service Department did and continues to do as a result of the wind storm was exemplary.

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12. EXECUTIVE SESSION

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

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

13. ADJOURNMENT

All items on the agenda having been acted upon, Vice Mayor Czerwonka moved, Councilman Bryan seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:24 PM.

Mark F. Weber, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES RECORDED AND WRITTEN BY:

Karla Plank, Administrative Assistant