

BLUE ASH CITY COUNCIL

September 23, 2010

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on September 23 2010. Mayor Mark F. Weber called the meeting to order in Council Chambers at approximately 7:30 PM.

OPENING CEREMONIES

Mayor Weber led those assembled in the Pledge of Allegiance.

ROLL CALL

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

ALSO PRESENT: City Manager David Waltz, Deputy Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Public Works Director Mike Duncan, Fire Chief Rick Brown, Human Resources Officer Margaret Main, Assistant Community Development Director Dan Johnson, Assistant to the City Manager Kelly Osler, and interested citizens

Mayor Weber welcomed the City's guests in attendance at tonight's meeting from Blue Ash's Sister City, Ilmenau, Germany. He explained that 15 delegates are in town, and summarized examples of their activities over the past week. Earlier this week, the group visited the Greene Intermediate School, where they enjoyed performances by the student orchestra and chorus. Ilmenau representatives also gave a presentation to over 100 students about their community of Ilmenau, and the students were very engaged in the conversation and had many questions. The delegates also visited a historic Temple in downtown Cincinnati, including a tour led by a Blue Ash resident and Rabbi. Tomorrow, the group will tour several local businesses, and some will attend the Sycamore High School football game. Mayor Weber expressed sincere thanks to the interpreters assisting with the delegation all week (and also in attendance at the meeting), including Debbie Page, a German professor at Raymond Walters College and Director of the International Language Department at the College; Blue Ash residents Sal and Bea Wertheim; and Manfred Heimberg.

7:30PM – PUBLIC HEARING – Ordinance No. 2010-46 – Consideration of a text amendment to Section 1149.03 of the Code of Ordinances to add “(7) Greenhouses and Nurseries” (first reading)

The Clerk was asked to read Ordinance No. 2010-46 in its entirety:

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2010-46

AMENDING SECTION 1149.03 OF CHAPTER 1149 OF THE BLUE ASH CODE OF ORDINANCES TO ADD “(7) GREENHOUSES AND NURSERIES.” AS A SPECIAL USE IN THE R-3 RESIDENTIAL DISTRICT

Chris McKeown, co-owner of the Bloomin' Garden Centre on Kenwood Road, was present to discuss this project. A summary of his comments is below:

- Currently his business is a non-conforming use within a residential district. Their long-term desire is to change it from non-conforming and to make improvements to the property.
- The McKeowns purchased the blighted home located to the north of their Garden Centre property. Their plans are to tear down that home and use

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that property as an area for display gardens. They also want to bring the driveway through so that semi-trucks with deliveries would no longer be required to back into their driveway off Kenwood Road to access the property.

- The retail business will not be any larger than it currently is, and the retail business will remain within its current boundaries.
- They would also like to remove the house that is currently used as an office, and build another building (residential in appearance) that would be used as an office.
- The Bloomin' Garden Centre nursery business is surrounded by residential areas, and he believes the business fits in well since their products are mostly sold to homeowners.
- This property has been the location of a business since the 1920s. He explained the seasonality of the gardening business, with reduced hours in the off season, noting this characteristic also supports its location within a residential area.
- The business currently has no outdoor lighting, and there is no plan to add lighting. Their business is cognizant of the noise ordinances, and tries hard to be respectful of their neighbors.
- They are requesting that Council approve this text amendment so that they would then have a means to improve the appearance of their property (as described). Their intent is to create an attractive area on the property currently where a blighted house sits. The change in the driveway will also increase safety.
- McKeown is proud to be located in Blue Ash and their desire is to improve their property. They employ 15 full-time people, with 15 to 20 part-time seasonal employees as well.

Councilman Sumner noted that the purpose of tonight's hearing is to consider a change to the text in the Code which would then allow their project as described tonight (yet to be finalized) to move forward through the special use process. The details of the "special use" project are scheduled to go to Planning Commission in October, and then would proceed to Council (given approval of the text change, including the requirement to follow the public hearing process). Council would have to approve the plan separate from this text change request. He noted that Planning Commission has discussed this project over the past two meetings, and Planning Commission ultimately approved it with the conditions as noted in the ordinance. The Planning Commission felt it especially important that it is highly unlikely that another project like this would come up in another location in the City.

In addressing a question from Councilman Adamec regarding the potential of storage of landscaping materials outside, Councilman Sumner noted that he believes the conditions as outlined in the ordinance would prevent the business from expanding other than creating the display area on the property currently housed by the blighted residential structure. Assistant Community Development Director Dan Johnson added that a special permit application would apply to the entire property – the current garden center plus the property housing the blighted residential structure. Councilman Sumner added that this process would allow them to improve the property but also require such improvement to go through the more restrictive special permit process, requiring Council approval. As a non-conforming use now, they are not allowed to rebuild or renovate – they can only maintain the existing structure. Councilman Sumner noted that any future owner would also have to come before Council with any proposed changes. Councilman Sumner noted that he has received some comments from nearby residents, specifically one resident located behind the site who expressed concern with the proposed project. Councilman Sumner noted that it is his opinion that the plan would not impact properties to the rear. However, Councilman Sumner

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noted that the City could consider further landscaping requirements to shield the area if so desired. He also noted some opposition from Kenwood Road homeowners. However, in his opinion, the proposed text amendment is the right thing for the City to do.

There being no further questions or comments, this public hearing was closed at approximately 7:58PM.

7:35PM – PUBLIC HEARING – Ordinance No. 2010-47 – Consideration of a rezoning request of property at 4815 Prospect Avenue from R-3 Residential to D-1 Downtown (first reading)

The Clerk was asked to read Ordinance No. 2010-47 in its entirety:

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2010-47

AMENDING THE DISTRICT MAP ESTABLISHED IN THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, PART ELEVEN, PLANNING AND ZONING CODE, CHAPTER 1141, AND THUS THE BOUNDARIES OF THE DISTRICTS AS APPROVED ON MARCH 13, 2003, BY PLACING CERTAIN REAL ESTATE CURRENTLY ZONED R-3 RESIDENTIAL IN THE D-1 DOWNTOWN DISTRICT (LOCATED AT 4815 PROSPECT AVENUE, ALSO REFERRED TO AS THE ENTIRETY OF CONSOLIDATED PARCEL 34 OF BOOK 612, PAGE 40 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS [612-40-34 & 566]), AND INCLUDING PUBLIC LAND IN AN ALLEY AND IN PROSPECT AVENUE IMMEDIATELY ADJACENT TO THIS PROPERTY

Mark Richter of the Everest Group, owner of 4815 Prospect Avenue as well as the commercial downtown property located immediately to the west (former location of InCahoots restaurant and current site of Hoxworth Blood Center), was present to discuss the project. A zoning change is being requested to allow the addition of parking to serve the commercial building on Kenwood Road to the west of this property. The application would also ask the City to grant access via the City-owned "alley" area (dedicated right-of-way) between the 4815 Prospect Avenue property and adjacent downtown property to that future parking area. He explained that they are currently renting the house at 4815 Prospect Avenue, and there is one vacant space in that adjacent Kenwood Road commercial structure.

Mr. Johnson noted that the application is for a rezoning – not specific plan approval for the proposed parking area. Specific plans would be required to go before the Downtown Design Review Committee for their review and approval. Councilman Sumner noted that Planning Commission felt this rezoning request was consistent with the desires of the Comprehensive Plan.

Ken Alcorn, 4820 Fairview Avenue, noted that he lives in the home behind 4815 Prospect (to the south). The alleyway continues to Fairview, running adjacent to his western property line. He noted that several years ago, he tried to get permission to blacktop the alleyway area adjacent to his property; however, he was not allowed to do so. He noted that the Alcorn Family has owned the property for 40 years, and requested that he be allowed to blacktop and utilize the alleyway, similar to what is being requested of the applicant.

Councilman Sumner noted that the "alley" is a single width lane and is City-owned, and no decision has been made yet regarding its disposition since this would be an issue to be resolved during the plan approval process. The current request involves only a rezoning. Mr. Johnson noted that he believes less than half of the backyard area of 4815 Prospect would be utilized for parking, and Mr. Richter clarified that he would not be requesting use of the entire alley -- only enough to allow access to a parking area.

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There being no further questions or comments, this hearing was declared closed at approximately 8:10PM.

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

ACCEPTANCE OF AGENDA

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

- “1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL - Clerk of Council Jamie K. Eifert
4. 7:30PM – PUBLIC HEARING – Ordinance No. 2010-46 – Consideration of a text amendment to Section 1149.03 of the Code of Ordinances to add “(7) Greenhouses and Nurseries” (*first reading*)
5. 7:35PM – PUBLIC HEARING – Ordinance No. 2010-47 – Consideration of a rezoning request of property at 4815 Prospect Avenue from R-3 Residential to D-1 Downtown (*first reading*)
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 August 12, 2010
 - b. Work Session of August 30, 2010
9. COMMUNICATIONS
 - a. Communications to Council - Clerk of Council Jamie K. Eifert
 - b. Reports From Outside Agencies
 - c. Mayor’s Report – August 2010 – Honorable Mark F. Weber
 - d. Financial Report – Motion to accept the report for August 2010
10. HEARINGS FROM CITIZENS
11. COMMITTEE REPORTS
 - a. Parks & Recreation Committee, Robert J. Buckman, Jr., Chairperson
 1. Resolution No. 2010-11, making an appointment to the Recreation Board
 - b. Finance & Administration Committee, Rick Bryan, Chairperson
 1. Ordinance No. 2010-17, approving a multi-year collective bargaining agreement (Police Sergeants)
 2. Ordinance No. 2010-49, authorizing the City Manager to grant exceptions to existing limitations on conversions of vacation and compensatory time
 3. Ordinance No. 2010-50, amending Ordinance No. 2010-33 regarding the golf course improvement bonds
 4. Ordinance No. 2010-51, levying special assessments on property related to property maintenance issues pursuant to Chapter 911 of the Blue Ash Code
 5. Ordinance No. 2010-55, transferring funds
 6. Motion setting 6:30PM, Monday, November 29, 2010 as the Budget Study Work Session
 - c. Public Works Committee, Thomas C. Adamec, Chairperson
 1. Ordinance No. 2010-52, amending Ordinance Nos. 2010-34 (2010 paving program) and 2010-36 (2010 sidewalk program)
 2. Ordinance No. 2010-54, authorizing purchase of bulk rock salt
 - d. Planning & Zoning Committee, James W. Sumner, Chairperson
 1. Ordinance No. 2010-53, authorizing an economic development agreement
 2. Motion setting a public hearing for 7:00PM, Thursday, October 28, 2010, to consider a rezoning request for approximately 44 acres north of Osborne Boulevard from M-1 Office-Industrial to M-3 Planned Office and Mixed Use
12. MISCELLANEOUS BUSINESS
13. EXECUTIVE SESSION – Personnel Matter (to consider compensation of a public employee)
14. ADJOURNMENT”

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APPROVAL OF MINUTES

Councilman Sumner moved, Councilman Bryan seconded to approve the minutes of the regular meeting of August 12, 2010. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Adamec moved, Vice Mayor Czerwonka seconded to approve the minutes of the Work Session of August 30, 2010. 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 – August 2010

RECEIPTS:

Fines.....	\$ 16,990.13
Vendor Permits.....	\$0
Bonds carried over.....	\$295.00
Restitution Payment collected.....	\$0
Bonds collected.....	\$ 429.00
TOTAL RECEIPTS:	\$17,714.13

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures).....	\$10,360.00
To the State of OH:	
Victims of Crime.....	\$1,404.00
General Rev Fund.....	\$3,140.00
Indigent Defense Support fund.....	\$740.00
Drug Law Enforcement Fund.....	\$502.46
Justice Program Service Fund.....	\$15.54
Indigent Driver's Alcohol Treat't Fund.....	\$222.00
Seat Belts.....	\$370.00
Refund of overpaid fines.....	\$236.13
Bond Money applied.....	\$0
Bond Money returned.....	\$150.00
Restitution payment.....	\$340.00
TOTAL DISBURSEMENTS.....	\$17,140.13

BALANCE IN BONDS: \$ 574.00

Mayor's Court traffic citations.....	171
Mayor's Court criminal citations.....	19
Total Mayor's Court cases.....	190
August rev. from Mayor's Ct. Cases:.....	\$10,360.00

Financial Report – August 2010

Councilwoman Stoller moved, Councilman Buckman seconded to accept the Financial Report for August 2010 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 AUGUST 31, 2010

MONTH TO DATE	2009	2010
START OF MONTH FUND BALANCE: 8-1-10	\$20,800,403.42	\$22,540,548.65
Revenues:		
Earnings Tax Collections:	2,242,219.35	2,226,115.83
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	2,415,877.84	641,026.68
= Total Monthly Receipts	4,658,097.19	2,867,142.51
Expenditures:		
Lon Term Debt Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	2,623,151.25	2,125,639.17
= Total Monthly Expenditures:	-2,623,151.25	-2,125,639.17
END OF MONTH FUND BALANCE: 8-31-10	22,835,349.36	23,282,051.99
YEAR TO DATE	2009	2010
START OF MONTH FUND BALANCE: 8-1-10	21,919,948.20	19,339,082.19
Revenues:		
Earnings Tax Collections:	20,293,667.55	19,635,227.41
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	9,428,975.20	6,624,601.22
= Total YTD Receipts	29,722,642.75	26,259,828.63
Expenditures:		
Long term Debt Retirement	1,000,000.00	1,198,570.48
Short term debt refinancing	0	0
Other Expenditures:	27,807,241.59	21,118,288.35
	-28,807,241.59	-22,316,858.83
YEAR-TO-DATE FUND BALANCE:	22,835,349.36	23,282,051.99

100% of the fund balance was invested as of 8/31/10. Interest paid to date on matured investments: \$14,439.47. Receipt and expenditure figures do not include interfund transfers.

BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING AUG. 31, 2010

MONTH-TO-DATE STATUS	2009	2010
Business Net Profit	211,481.86	147,416.72
Resident Net Profit	33,469.64	46,472.37
Non-Resident Net Profit	9,362.33	10,118.21
Subcontractor Net Profit	1,144.00	84
Net Profit Total	255,457.83	204,091.30
Withholding	1,962,724.52	1,979,352.22
Subcontractor Withholding	24,037.00	42,672.31
Withholding Total	1,986,761.52	2,022,024.53
Monthly Collection Totals	2,242,219.35	2,226,115.83 (-0.72%)
YEAR TO DATE STATUS		
Business Net Profit	3,614,788.42	3,192,558.52
Resident Net Profit	764,404.23	725,031.50
Non-Resident Net Profit	194,028.40	140,738.90
Subcontractor Net Profit	35,768.82	19,682.93
Net Profit Total	4,608,989.87	4,078,011.85
Withholding	15,403,828.55	15,230,035.44
Subcontractor Withholding	280,849.13	327,180.12
Withholding Total	15,684,677.68	15,557,215.56
YTD Collection Totals	20,293,667.55	19,635,227.41 (-3.24%)
YTD Refund Totals	1,007,001.73	890,780.33 (-11.54%)

HEARINGS FROM CITIZENS

Orba Arnold, 4839 Fairview Avenue, expressed thanks to the City for how parking on public streets at the Taste of Blue Ash was handled. Their neighborhood's past problems with cars parking on the street, blocking access to emergency vehicles, did not occur this year, and she thanked the City for resolving that important neighborhood issue

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Betty Brooks 9470 Blue Ash Road, complimented the City on the beautiful flower displays in downtown Blue Ash, and asked who is responsible for that work and design. Parks & Recreation Director Chuck Funk explained that the City's Parks Maintenance Division handles that responsibility, particularly full-time employee Mandi Brock. He also noted that the City recently received an award from the Cincinnati Horticultural Society for this year's displays in downtown Blue Ash

Peter Nord, President of the Kenridge Lake Homeowners Association, commented about the upcoming Golf Course clubhouse/banquet facility project. He noted that he has asked several of the homeowners in his neighborhood their recollection of the Issue 15 campaign. He noted that many recalled the desire to expand the Recreation Center and develop the 130 acre park near the airport; however, no one he asked recalled details associated with the clubhouse. He noted that if Council is worried about disappointing citizens with a delay of this project, or by scaling back of the project, he believes Council should in fact not worry since no one he asked seems to remember those details. When discussing further with his residents what is being planned, he noted that a number of the ladies suggested that it would be a popular location for a wedding reception; however, he questioned whether government should be building something that competes with private business. He encouraged the Council to ensure that this project does not "break us" with its ongoing operational expenses.

COMMITTEE REPORTS

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

"The following offers a brief description of the items included on the September 23 Council agenda:

Agenda Item 4 – 7:30PM – PUBLIC HEARING – Ordinance No. 2010-46 – Consideration of a text amendment to Section 1149.03 of the Code of Ordinances to add "(7) Greenhouses and Nurseries" (first reading)

The City is in receipt of a request for amendment of the Zoning Text to include "Greenhouses and Nurseries" as a special use within the R-3 residential district.

This item was first reviewed by the Planning Commission in July, along with a special use permit request related to 8793 and 8821 Kenwood Road to allow renovations to the existing Bloomin' Garden Center and to expand the business onto 8821 Kenwood Road. Both of these items were tabled at the July meeting; however, at the August Planning Commission meeting, the zoning text amendment was revisited. At that time, the Commission recommended approval to Council.

Thursday's meeting represents the first reading of this ordinance, along with the public hearing. The second reading and vote would be scheduled for the next meeting on October 14. Mr. Johnson will be at Thursday's meeting to address questions from the public or Council regarding this matter.

Agenda Item 5 - 7:35PM – PUBLIC HEARING – Ordinance No. 2010-47 – Consideration of a rezoning request of property at 4815 Prospect Avenue from R-3 Residential to D-1 Downtown (first reading)

The City is in receipt of a request to rezone R-3 Residential property adjacent to downtown's D-1 Downtown district. The property is located at 4815 Prospect Avenue (immediately behind the commercial property which formerly housed the InCahoots restaurant, now Hoxworth), and is about .182 acres in size.

The applicant, who owns the commercial property and the parcel on Prospect Avenue, has stated that his intent is to maintain the existing house on the lot, but to build a small employee parking lot at the rear of the property that would be accessed from a driveway or alley behind the commercial building. There is an undeveloped public right-of-way that currently exists between the commercial building and the lot that is proposed to be rezoned. If the property is rezoned, then any proposed development plan would have to be approved by the Downtown Design Review Committee.

Thursday's meeting represents the first reading of this ordinance, along with the public hearing. The second reading and vote would be scheduled for the next meeting on October 14. Mr. Johnson will be at Thursday's meeting to address questions from the public or Council regarding this matter.

11.a.1. Resolution No. 2010-11 - Making an appointment to the Recreation Board

As directed by Mayor Weber, Resolution No. 2010-11 appoints Scott Miller of Muirwoods Court to fill the vacancy on the Recreation Board due to the retirement/resignation of Mr. Hofmann. Resolution No. 2010-11 appoints Mr. Miller to fill that term, which would expire in July 2015.

Please direct questions regarding this resolution to the Mayor.

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11.b.1. Ordinance No. 2010-17 - Approving a multi-year collective bargaining agreement (Police Sergeants)

The City entered into negotiations with the Police Sergeants bargaining unit beginning in October of 2009. After 5 months of negotiations, a number of issues were resolved. The remaining items, duration of the contract and wages, were “open,” so the City and the Sergeants engaged in fact-finding in March of 2010. Based upon the votes of the members, the Sergeants were not satisfied with the fact-finders report, and thus took the City to binding Conciliation in May 2010. The Conciliator responded with his findings at the end of August, the results of which are summarized below as to contract duration and wages, with all other changes incorporated into the Agreement. Of particular note are the wages in Section 19.1.

- **Throughout the contract**
All references to Assistant City Manager were removed and the contract language was made gender neutral.
- **Section 9.3** – extension from twenty-four (24) hours to forty-eight (48) hours of the pre-notification of witnesses expected to appear in a predisciplinary conference.
Addition of language clarifying that Sergeants may choose to be represented by non-FOP individuals if they sign a waiver.
- **Section 9.5** – removed language so that predisciplinary conferences may be recorded in any medium, not just “tape” recorded.
- **Section 10.3** – changed “notice” to “approval.”
- **Section 10.5** – increased the time frame for the City Manager’s response to a grievance from seven (7) days to fourteen (14) days similar to the time frame Sergeants have to file for arbitration.
Removed Civil Service from the grievance process. Increased the panel of arbitrators to chose from by 2, going from 7 panelists to 9 panelists.
- **Section 10.15** – removed holiday time from the list of types of leave that an employee may use while on leave pending the results of an investigation.
- **Section 12.4** – amended the language to be consistent with state and federal law regarding the City’s response to personnel records requests.
- **Section 13.1** – added language regarding “rank seniority” clarifying service in the position of Sergeant as opposed to length of service with the City of Blue Ash.
- **Section 16.10** – revised the section regarding the running overtime list to better reflect current practice.
- **Section 18.1** – added rank seniority to the special events clause obligating Sergeants to sign-up for/be assigned overtime based on time in rank, not years with the City.
- **Section 19.1** – wages increase by 0% for 2010; 1.5% for 2011; 2% for 2012. In addition, Sergeants will receive the same allotment of personal leave – (2 days) as provided to non-bargaining staff for 2010 (not to be sold but to be taken in leave and must be used in the first year of the contract). Contract is retro to March 3, 2010, where appropriate.
- **Section 22.1** – added belts, shoes, and gloves to the items that will be provided by the department, without charge to the employee, as part of the uniform.
- **Section 23.3** – added language allowing the City to make adjustments to the standard per diem, when meals are included at the training at no cost to the employee.
- **Section 25.1** – amended the language regarding vacation accrual adding additional accrual levels once employees have been in service with the City for twenty-four (24) years, and another tier for twenty-eight (28) years of service.
- **Section 26.7** – reduced the total number of hours, throughout their employment with Blue Ash, that an employee may receive in the form of donated sick leave. The number was reduced from 2080 to 1385 consistent with the Code of Ordinances.
- **Section 26.11** – added new language outlining regulations regarding attendance and the use of sick leave.
- **Section 36.1** – contract duration is for a period of three years effective March 3, 2010.

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

11.b.2. Ordinance No. 2010-49 - Authorizing the City Manager to grant exceptions to existing limitations on conversions of vacation and compensatory time

The recommendation has been made by the Administration, given continued difficult economic times, to consider the possibility of granting exceptions to the City’s existing limitations upon the payout of an employee’s accrued vacation and/or compensatory time. This recommendation was first made (and

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approved by Council) in 2009, and would not only assist an employee in a time of need (for instance, should a spouse be laid off or for HAS funding), but it also could benefit the City as such a disbursement could minimize future expense to the City of such payouts. The ordinance, if approved by Council, would allow the City Manager to continue to apply guidelines upon which individual requests could be submitted, and would also take into consideration the need to amend the collective bargaining unit contracts in place. Evaluation of each request would be made on its own merit, considering the overall benefit to the City as well as to the employee. The recommendation would be to provide this authority through the 2010 and 2011 pay years.

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

11.b.3. Ordinance No. 2010-50 - Amending Ordinance No. 2010-33 regarding the golf course improvement bonds

On August 12, 2010, City Council passed Ordinance No. 2010-33 which provided for the issuance and sale of general obligation bonds to fund the costs for golf course improvements. Those improvements include a new irrigation system (contract awarded and project underway), new cart paths, and the construction of a new golf course clubhouse/banquet facility.

Page 4 of that ordinance contained language that the bonds would be dated no later than September 30, 2010. Although progress has been made in moving forward with the bond issuance process, there is some concern as to whether or not the bonds will be able to be closed on or before September 30, resulting in the placement of Ordinance No. 2010-50 recommending a change in that language via amendment to Ordinance No. 2010-33. The only change is to extend that date one month, from September 30, 2010 to October 31, 2010.

As Council may recall from past bond issues, legislation like Ordinance No. 2010-33 sets the process in motion for the issuance of bonds. It provides for the timing of the bidding and award to be adjusted for market conditions through the process of a Certificate of Award naming the successful bidder and signed by the Treasurer, City Manager, and the Deputy Treasurer.

We have been utilizing that process, and working cooperatively with Margaret Comey, the City's bond counsel with Squire, Sanders, & Dempsey LLP in Cincinnati, our financial advisor group Prism Municipal Advisors LLC in Powell, Ohio, and with the Bank of New York/Mellon to define a timetable, complete the Preliminary Official Statement, and actually offer the bonds for public sale.

Last week, the Preliminary Official Statement was essentially finalized and forwarded to Moody's Investors Services, along with the City's 2009 CAFR, and supplementary financial information. Following a conference call with Moody's on September 16, we were notified on Monday, September 20, that Moody's Investors Services had issued a rating of Aa1 on our upcoming bond issue. This rating, which matches the City's existing overall bond rating, was a very positive outcome given current market conditions. This rating outcome will certainly assist the City in receiving excellent bids on the bonds. Now that the rating has been determined, we anticipate the electronic distribution of a formal "Notice of Sale" of the bonds on Thursday, September 23, with a likely bid opening date of Thursday, September 30, 2010. A review of the bids by our financial advisor will assist in the completion of the Certificate of Award, and begin the process of moving toward a closing which is expected to occur no later than mid October.

The principal amount of the bonds cannot exceed \$9,775,000, and the amount of the bonds actually issued will greatly depend upon the outcome of the bid opening process on the Clubhouse/Banquet Facility next week, the known cost of the irrigation replacement, and the expected cost of the cart path replacement component. The bonds will have level principal reduction over an 11-year period, with a first principal payment occurring in 2011.

It would seem that the markets are eagerly accepting highly-rated municipal general obligation bonds in the "mid maturity" range we are offering. We will report to Council the amount of the bonds to be issued and the NIC (net interest cost), or rate, as soon as the Certificate of Award has been completed.

Please direct questions regarding this minor adjustment to the bond ordinance or about the process currently underway to the Treasurer.

11.b.4. Ordinance No. 2010-51 - Levying special assessments on property related to property maintenance issues pursuant to Chapter 911 of the Blue Ash Code

As Council is aware, the City's property maintenance provisions defined in Chapter 911 allow for the City to "step in" to take care of the mowing of tall grass if the property owner, after an extended period of time and with notice, has not taken care of the problem. The City then bills the homeowner for the cost of that maintenance. If the invoiced cost of the maintenance has not been paid by the homeowner to the City after a defined period, the City can then "certify it to the County Auditor to be placed upon the tax duplicate and collected and paid back to the City."

In the past several months, the City has taken care of maintenance issues multiple times on several

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Blue Ash properties. Ordinance No. 2010-51, written with assistance from the Solicitor's office, represents the notification to the County Auditor of such payments directing the specified amounts to be levied and assessed on the properties as noted within the ordinance.

Please direct questions regarding this ordinance to the Deputy Solicitor.

11.b.5. Ordinance No. 2010-55 – Transferring Funds

A transfer ordinance is needed at this time to permit the purchase of additional road salt via the "bulk purchase" program in place with the City of Cincinnati (reference Ordinance No. 2010-54 on this agenda). The attachment to this transfer ordinance shows the use of contingency to fund increased expenditures in the area of \$25,000.

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

11.b.6. Motion setting 6:30PM, Monday, November 29, 2010 as the Budget Study Work Session

As is customary this time of year, this motion would formally establish the time and date for the Budget Study Work Session for Monday, November 29, 2010, at 6:30PM. This day and time worked with all of Council's schedules. Please direct questions regarding this motion to the City Manager.

11.c.1. Ordinance No. 2010-52 - Amending Ordinance Nos. 2010-34 (2010 paving program) and 2010-36 (2010 sidewalk program)

In July, City Council awarded the 2010 Paving Program to Mt. Pleasant Blacktopping Company, Inc. for a total contract bid of \$237,263.90 (based upon the unit prices and estimates that were attached to that ordinance). The project repaves several residential streets, a portion of Carpenters Run Drive near Plainfield Road, and the Golf Maintenance parking lot. In addition, significant drainage improvements are included at the parking lot.

The following two line items with associated costs should be added to the 2010 Paving program:

ITEM	UNIT	UNIT COST
Repair damaged concrete pad over underground storage tanks (UST)	LS (Lump Sum)	\$1,200
Additional excavation	LS (Lump Sum)	\$1,200

During the work on the parking lot, one changed site condition and one additional requirement were identified that require additional line items to be added to the contract by change order. A portion of the concrete pad over the underground storage tanks had deteriorated to the extent that it had to be replaced and the fill pipe needed to be extended prior to paving. The total cost for this work is \$1,200. Additionally, additional excavation was required to reconfigure the parking lot to provide adequate parking and improve the maneuvering area for maintenance vehicles using the access road. The excavated material was used to provide a berm to help screen the Golf Maintenance facility from adjacent residences on Bentwood Court. The total cost for this work is also \$1,200.

The second portion of Ordinance No. 2010-52 addresses a need to amend the contract for the 2010 sidewalk program. City Council awarded the 2010 Sidewalk Program via passage of Ordinance No. 2010-36 in July to R.A. Miller Construction Company. This project continues the City's efforts to connect neighborhoods and businesses with each other and with major City facilities. This project is underway and the Reed Hartman Highway shared use path between Glendale-Milford Road and Creek Road has been completed. The Cooper Road shared use path and curb installation is under construction and will be completed by the end of October.

During the construction on Cooper Road, the project was changed to eliminate the removal of approximately 10 trees and numerous bushes along the frontage of the Timbers development, thus saving this vegetative screening. These changes require the addition of an 8-inch clean-out for an existing storm drain in order to connect it to a newly installed catch basin for a cost (including material and installation) of \$350.

Please direct questions regarding this ordinance to the Public Works Director.

11.c.2. Ordinance No. 2010-54 - Authorizing purchase of bulk rock salt

Ordinance No. 2010-54 authorizes a contract for the purchase of road salt for an amount not to exceed \$64.23 per ton. This purchase is in conjunction with the initiative (began last year), the Government Cooperation and Efficiency Project (GCEP), which is a shared purchasing arrangement available to all local governments within Hamilton County. The City of Cincinnati recently bid the purchase of salt, and the winning bidder was North American Salt Company. The unit cost of \$64.23 per ton (delivered to the Public Works salt barn) is slightly higher as compared prices paid last year, though still considered reasonable. Blue Ash's intent is to purchase a minimum of 2,800 tons and a maximum of 4,200 tons through the Cincinnati contract.

Please direct questions regarding this ordinance to the Public Works Director.

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11.d.1. Ordinance No. 2010-53 - Authorizing an economic development agreement

Ordinance No. 2010-53 authorizes the City Manager to enter into an economic development agreement with Vora Ventures Worldwide. Vora is a technology holding group comprised of 12 companies with over 2,000 employees worldwide. They were awarded a contingency contract for the purchase of the currently vacant office building located at 10290 Alliance Road in Blue Ash (this building was formerly the home of US Financial). Vora Ventures' companies have operated in Ohio for over 20 years. They focus on software, services, and infrastructure, including a 55-acre technology park in Hamilton, Ohio, that provides state-of-the-art backup data center services. Their objective in Blue Ash is to transition this office building into the Blue Ash Technology Innovation Center, a concept designed for companies that have graduated from incubator stage and have proven their viability and have secured funding. This is particularly exciting because currently, the Greater Cincinnati region has no other solution to provide assistance for companies which have passed the incubation stage and are at this level. Therefore, a project such as proposed by Vora would fill a unique niche in the Greater Cincinnati technology marketplace, and would create high-tech jobs in Blue Ash (a target of our economic development efforts). In addition, the Center would attract diverse talent to a prime, visible Blue Ash business location. The proposed Innovation Center would initially house multiple IT firms owned by Mr. Vora, with plans to offer the same model in the future to companies not managed or owned by Vora Ventures.

The City Manager and Economic Development Director are recommending that the City offer Vora Ventures a \$500,000 economic development loan of which \$150,000 would be forgivable (upon certain performance standards being met), with the remaining \$350,000 being repaid over four years. Please direct questions regarding this ordinance to the City Manager or Economic Development Director.

11.d.2. Motion setting a public hearing for 7:00PM, Thursday, October 28, 2010, to consider a rezoning request for approximately 44 acres north of Osborne Boulevard from M-1 Office-Industrial to M-3 Planned Office and Mixed Use

The City is in receipt of a request for rezoning of the approximately 44 acres located north of Osborne Boulevard between Reed Hartman Highway and Kenwood Road. The property (current land use being warehouse) is currently zoned M-1 Office-Industrial, with the request to change it to the M-3 Planned Office and Mixed Use district. This concept went to Planning Commission at its September meeting, with approval recommended.

Much more information will be presented to Council and will be available for the public at the public hearing."

Parks & Recreation Committee, Robert J. Buckman, Jr., Chairperson

Councilman Buckman asked the Clerk to read Resolution No. 2010-11 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2010-11

PROVIDING FOR THE APPOINTMENT OF SCOTT MILLER
TO THE RECREATION BOARD OF THE CITY OF BLUE ASH,
OHIO

Councilman Buckman moved, Councilman Bryan seconded to adopt Resolution No. 2010-11. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Seven yeases. Resolution No. 2010-11 passed.

The Oath of Office was administered to Mr. Miller by Councilman Buckman.

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Ordinance No. 2010-17 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-17

AUTHORIZING THE CITY MANAGER TO ENTER INTO A
MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT
WITH FRATERNAL ORDER OF POLICE, SERGEANTS UNIT;
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

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Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeses. Motion carried.

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2010-17. In addressing a question from Councilman Bryan, Human Resources Officer Margaret Main noted that negotiations began in fall 2009, with two issues not resolved: contract duration and wages. The City and Sergeants then engaged in the next step, fact-finding, in March, and the Sergeants were not satisfied with the State's fact-finder's report, therefore, moving forward to the binding conciliation step in May. The result of binding conciliation was considered a success for the City, especially the decision for wage increases: 0%, 1.5% and 2% for 2010, 2011, and 2012 respectively. There being no further discussion or questions, the Clerk called the roll. Councilpersons Buckman, Czerwonka, Adamec, Bryan, Stoller, Sumner, and Mayor Weber voted yes. Seven yeses. Ordinance No. 2010-17 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2010-49 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-49

AUTHORIZING THE CITY MANAGER TO GRANT
EXCEPTIONS THROUGH THE END OF THE 2011 PAY YEAR
TO LIMITATIONS ON CONVERSIONS OF ACCRUED
VACATION AND COMPENSATORY TIME AS OUTLINED
WITHIN CHAPTER 133 OF THE BLUE ASH CODE OF
ORDINANCES OR WITHIN COLLECTIVE BARGAINING
AGREEMENTS; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2010-49. There being no discussion, the Clerk called the roll. Councilpersons Adamec, Bryan, Stoller, Sumner, Buckman, Czerwonka, and Mayor Weber voted yes. Seven yeses. Ordinance No. 2010-49 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2010-50 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-50

AMENDING SECTION 3 OF ORDINANCE NO. 2010-33
REGARDING THE BONDS TO BE ISSUED RELATING TO THE
MUNICIPAL GOLF COURSE IMPROVEMENTS; AND
DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Adamec seconded to adopt Ordinance No. 2010-50. In addressing a question from Councilman Bryan, Treasurer Jim Pfeffer noted that the bids for the bonds are due to be open September 30. He also noted that the City was recently notified that the Moody's rating on this bond issue is a very favorable Aa1. There being no further discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Seven yeses. Ordinance No. 2010-50 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2010-51 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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ORDINANCE NO. 2010-51

AN ORDINANCE TO LEVY SPECIAL ASSESSMENTS ON PROPERTY FOR THE TOTAL COST OF MITIGATING NOXIOUS WEEDS AND HIGH GRASS PURSUANT TO CHAPTER 911 OF THE BLUE ASH CODE OF ORDINANCES AND R.C. 715.261; 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 Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeases. Motion carried.

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2010-51. Councilman Sumner noted that the City has been paying for mowing of the residential properties included in the ordinance, and he is pleased the City is moving forward with this action which will allow the City to recover those expenses. There being no further discussion, the Clerk called the roll. Councilpersons Buckman, Czerwonka, Adamec, Bryan, Stoller, Sumner, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-51 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2010-55 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-55

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2010-3 FOR THE YEAR 2010 (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 Czerwonka, Adamec, Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeases. Motion carried.

Councilman Bryan moved, Vice Mayor Czerwonka seconded to adopt Ordinance No. 2010-55. There being no discussion, the Clerk called the roll. Councilpersons Adamec, Bryan, Stoller, Sumner, Buckman, Czerwonka, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-55 passed.

Councilman Bryan moved, Councilman Adamec seconded to set 6:30PM, Monday, November 29, 2010 as the Budget Study Work Session. A voice vote was taken. All members voted yes. Motion carried.

Public Works Committee, Thomas C. Adamec, Chairperson

Councilman Adamec asked the Clerk to read Ordinance No. 2010-52 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-52

AMENDING ORDINANCE NO. 2010-34 RELATED TO THE 2010 PAVING PROGRAM FOR TWO SUPPLEMENTAL ITEMS AS DESCRIBED WITHIN AND AMENDING ORDINANCE NO. 2010-36 RELATED TO THE 2010 SIDEWALK PROGRAM FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$350; AND DECLARING AN EMERGENCY

Councilman Adamec moved, Councilman Buckman seconded to amend Section II of the ordinance to read as follows (amendments shown): "Ordinance No. 2010-36 regarding the 2010 Sidewalk Program is hereby amended to add an amount not to exceed \$350 to accommodate ~~the need to a~~ clean out structure for an existing storm drain in order to connect it to a newly-installed catch basin." The Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Buckman, Czerwonka, Adamec, and Mayor Weber voted yes. Motion carried.

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

Councilman Adamec moved, Councilman Bryan seconded to adopt Ordinance No. 2010-52 as amended. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-52 passed.

The Clerk was asked to read Ordinance No. 2010-54 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-54

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF BULK ROCK SALT FOR AN AMOUNT NOT TO EXCEED \$64.23 PER TON DELIVERED; AND DECLARING AN EMERGENCY

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

Councilman Adamec moved, Councilwoman Stoller seconded to adopt Ordinance No. 2010-54. Councilman Adamec commented that the City is getting a favorable cost (about 2% higher than last year) by participating in this purchasing agreement with the City of Cincinnati. There being no further discussion, the Clerk called the roll. Councilpersons Buckman, Czerwonka, Adamec, Bryan, Stoller, Sumner, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-54 passed.

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner asked the Clerk to read Ordinance No. 2010-53 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-53

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH VORA VENTURES WORLDWIDE; 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 Czerwonka, Adamec, Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeases. Motion carried.

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Ordinance No. 2010-53. There being no discussion, the Clerk called the roll. Councilpersons Adamec, Bryan, Stoller, Sumner, Buckman, Czerwonka, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-53 passed.

Councilman Sumner moved, Councilman Buckman seconded to set a public hearing for 7:00PM, Thursday, October 28, 2010, to consider a rezoning request for approximately 44 acres north of Osborne Boulevard from M-1 Office-Industrial to M-3 Planned Office and Mixed Use. A voice vote was taken. All members voted yes. Motion carried. Councilman Sumner noted that the related project went to Planning Commission, and he is pleased that this investment is being proposed within our community.

MISCELLANEOUS BUSINESS

Public Works Director Mike Duncan noted that traffic studies on Myrtle Avenue were first completed in April and June, with follow-up done over the past couple of weeks. He noted that the earlier April and June studies were completed at a time when the Cincinnati Water Works was underway on a major waterline project on Cooper Road. Those results showed over 700 vehicles per day, with just under 15% traveling in excess of 30MPH. The follow-up

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study done in September showed substantially less traffic (450-475 vehicles per day), with fewer speeding incidents recorded (7-10%). He noted previous information distributed to Council as to how other communities have approached requests for traffic calming devices, with most communities not recommending such devices until the 85th percentile was reached (i.e., more than 15% of motorists are excessively speeding). He noted that traffic volume on the street has decreased after the Cincinnati Water Works construction period, and based upon these findings, he does not believe that traffic control or calming devices, such as speed humps, are warranted at this time.

In addressing a question from Mayor Weber, Mr. Duncan noted that the number of speeders (i.e., 30MPH or greater) accounted for during the September study was less than 10% -- substantially below the generally accepted 15% level.

After brief discussion, Councilman Sumner moved, Councilman Bryan seconded that the City Administration should convey to the residents: (1) the findings of the recent study; (2) the City's decision not to move forward with traffic calming devices; and (3) the fact that the Police Department will resume normal patrols. A voice vote was taken. All members voted yes. Motion carried. Councilwoman Stoller added that it appears that those who are exceeding the speed limit do not appear to be doing so during rush hour; therefore, it is her opinion that the speeders may not be the cut-through motorists.

City Manager Waltz noted that a memo was included in packets regarding the City's plans to move forward with TIF legislation related to the Target property. The TIF would provide annual supplemental funding for future traffic improvements discussed in the Reed Hartman Highway/Plainfield Road corridor study completed a few years ago. The Sycamore Schools would be made 100% whole (assuring they would receive the same amount of revenue that they have been receiving if the TIF were not in place). After brief discussion, Councilwoman Stoller moved, Councilman Buckman seconded to direct the Administration to move forward with the process, including presentation of legislation at a near future meeting. A voice vote was taken. All members voted yes. Motion carried.

City Manager Waltz noted that it has been a pleasure to work with and to host the Ilmenau guests this week.

Councilwoman Stoller expressed her welcome to the Ilmenau guests and commented that it has been an enjoyable week getting acquainted with them. She also noted that she has received many compliments from residents throughout the City on the beautiful downtown flower displays.

Councilman Sumner noted that a memo was included in packets regarding trash containers. Some discussion was had regarding future direction for this issue. Most Council members agreed that storage of the trash containers should be behind the front line of the home and that the requirement in the recently revised wording requiring screening may be a bit harsh. Councilman Sumner moved, Councilwoman Stoller seconded to direct the Administration to suggest a modification to the Code to address these concerns. A voice vote was taken. All members voted yes. Motion carried.

Councilman Sumner added his greetings to the Ilmenau guests and noted his enjoyment in spending time with them this week. He wished them safe travels on their way back home this weekend.

Councilman Sumner noted two significant birthday milestones, including Councilman Bryan's 60th birthday on September 24 and Councilman Czerwonka's 50th birthday earlier this month.

Councilman Bryan extended his thanks to the Ilmenau guests for an enjoyable week, and he looks forward to spending more time with them during tomorrow's activities.

Councilman Buckman added his thanks and greetings to the Ilmenau guests and thanked them for a fun week. He also thanked Kelly Osler for her hard work in coordinating the activities. Councilman Buckman added his compliments to the Parks & Recreation staff for another successful Taste of Blue Ash event in late August.

Councilman Adamec expressed his thanks to the members of the Ilmenau delegation for their willingness to spend a week away from their personal lives and families to be in Blue Ash.

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Mayor Weber noted his recognition and appreciation to the members of the Ilmenau delegation and also his thanks to Ms. Osler for her efforts, particularly her willingness to be flexible. Mayor Weber asked Oberbuergermeister Gerd-Michael Seeber (Mayor of Ilmenau) to come forward to say a few words. With the assistance of interpreter Debbie Page (German Professor at Raymond Walters College), Herr Seeber expressed his thanks to the members of Council and the people of Blue Ash for their friendliness throughout their visit. He noted that when we began this partnership about 10 years ago, he did not think it would be as successful as it has been. The partnership grew even stronger after the 9/11 tragedy. "Long live the German-American partnership," concluded Herr Seeber.

EXECUTIVE SESSION

After all items on the agenda were acted upon, Vice Mayor Czerwonka moved, Councilman Buckman seconded to convene an Executive Session to discuss matters pertaining to personnel (to consider compensation of a public employee). The Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Buckman, Czerwonka, Adamec, and Mayor Weber voted yes. Seven yeases. Motion carried.

After matters pertaining to personnel were discussed, Councilman Buckman moved, Vice Mayor Czerwonka 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, Councilwoman Stoller moved, Councilman Buckman seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:10 PM.

Mark F. Weber, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council