

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on November 9, 2006. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at 7:00 PM.

**OPENING CEREMONIES**

Mayor Buckman led those assembled in the Pledge of Allegiance.

**ROLL CALL**

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

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

**PUBLIC HEARING – 7:00 PM ~ Consideration of Ordinance No. 2006-60 – Amending portions of the Blue Ash Code of Ordinances including the entirety of Chapter 1159 and portions of Chapters 1131 and 1183 (first reading of this ordinance)**

The Mayor asked the Clerk of Council to read Ordinance No. 2006-60 in its entirety:

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2006-60

AMENDING PORTIONS OF PART ELEVEN – PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF BLUE ASH INCLUDING THE FOLLOWING: IN ITS ENTIRETY AS SHOWN IN THE ATTACHMENT TO THIS ORDINANCE, CHAPTER 1159 (D-1 DOWNTOWN COMMERCIAL DISTRICT); SECTION 1131.02 OF CHAPTER 1131 (BOARD OF SITE ARRANGEMENT); AND SECTION 1183.06 OF CHAPTER 1183 (SPECIAL USE REGULATIONS)

In addressing a question from Councilwoman Stoller relating to Section 1159.06(d)(5) regarding the mention of brick retaining walls, Assistant Community Development Director Dan Johnson agreed that perhaps such walls should not be limited to just brick. For example, stone, as has already been used in downtown in an attractive manner, could also be an acceptable material.

In addressing a question from Councilman Bryan, Mr. Johnson explained that existing businesses would be grandfathered. If they wanted to change their building, then they would be required to comply with the new requirements.

Councilman Bryan commented that underground parking is not addressed in the new Code and he suggested that it be allowed, such as what has been approved for The Lofts residential project on Towne Square Avenue. Mr. Johnson agreed. Councilman Bryan also commented that a complaint often heard is that parking spaces are too narrow. The Code today stipulates nine feet wide (and remains so in the Code as presented). Mr. Johnson agreed and suggested that he talk with the City engineer regarding space width as well as aisle width, as perhaps an adjustment to the latter may also assist with this concern.

There being no further questions or comments from Council or the public, the public hearing was declared closed at approximately 7:10PM.

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

**ACCEPTANCE OF AGENDA**

Councilman Bryan moved, Councilman Weber 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. PUBLIC HEARING – 7:00 PM - Consideration of Ordinance No. 2006-60 – Amending portions of the Blue Ash Code of Ordinances including the entirety of Chapter 1159 and portions of Chapters 1131 and 1183 (first reading of this ordinance)
- 5. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
- 6. ACCEPTANCE OF AGENDA
- 7. APPROVAL OF MINUTES
  - a. Regular Meeting of October 12, 2006
  - b. Work Session of October 26, 2006
- 8. COMMUNICATIONS
  - a. Communications to Council - Clerk of Council Jamie K. Eifert
  - b. Reports From Outside Agencies
  - c. Mayor’s Report – October 2006 – Honorable Robert J. Buckman, Jr.
  - d. Financial Report – Motion to accept the report for October 2006
- 9. HEARINGS FROM CITIZENS
- 10. COMMITTEE REPORTS
  - a. Finance & Administration Committee, Rick Bryan, Chairperson
    - 1. Ordinance No. 2006-70, amending in its entirety and re-enacting Chapter 171 of the Code of Ordinances regarding Income Tax (first reading)
    - 2. Ordinance No. 2006-68, transferring funds
  - b. Parks & Recreation Committee, Lee Czerwonka, Chairperson
    - 1. Ordinance No. 2006-69, amending Ordinance No. 2006-44 regarding renovations at the historic Hunt House
- 11. MISCELLANEOUS BUSINESS
- 12. ADJOURNMENT”

**APPROVAL OF MINUTES**

Councilman Sumner moved, Councilwoman Stoller seconded to approve the minutes of the regular meeting of October 12, 2006 and the work session of October 26, 2006. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

A liquor permit affecting a restaurant at 4270 Hunt Road (DBA El Pueblo) was received.

Permit #: 2712183

To: Fiesta Vrava

Type: STCK

The Police Department has reviewed the request and has no objection. No Councilperson expressed an objection to this permit.

**Reports From Outside Agencies**

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

**Mayor's Report – October 2006**

RECEIPTS:

Fines .....	\$10,201.00
Bonds & BMV fees carried over.....	\$ 0.00
Interest Earned .....	\$6.60
Bonds collected .....	\$300.00
TOTAL RECEIPTS: .....	\$10,507.60

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$ 7,329.60
To the State of OH .....	\$2,868.00
Refund of Overpaid Fine .....	\$10.00
Bond Money applied.....	\$300.00
Bond Money returned .....	\$ 0.00
BMV .....	\$ 0.00
TOTAL DISBURSEMENTS .....	\$10,507.60
BALANCE IN BONDS: .....	\$0.00
Mayor's Court traffic citations .....	140
Mayor's Court criminal citations .....	3
TOTAL.....	143
October rev. from Mayor's Ct. Cases:.....	\$ 7,329.60

**Financial Report – October 2006**

Councilman Bryan moved, Councilwoman Stoller seconded to accept the Financial Report for October 2006 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

***CITY OF BLUE ASH FINANCIAL POSITION STATEMENT - MONTH ENDING OCTOBER 31, 2006***

MONTH TO DATE	2005	2006
START OF MONTH FUND BALANCE: 10-1-06	\$12,335,209.55	\$12,571,295.70
<b>Revenues:</b>		
Earnings Tax Collections:	2,649,454.46	2,489,345.51
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	788,626.80	1,663,776.04
= Total Monthly Receipts	3,438,081.26	4,153,121.55
<b>Expenditures:</b>		
Bond Retirement	2,460,000.00	2,830,000.00
Short term debt refinancing	0	0
Other Expenditures:	2,907,101.94	2,361,382.48
= Total Monthly Expenditures:	-5,367,101.94	-5,191,382.48
<b>ENDING FUND BALANCE: 10-31-06</b>	<b>10,406,188.87</b>	<b>11,533,034.77</b>
YEAR TO DATE	2005	2006
START OF YEAR FUND BALANCE:	14,622,289.87	12,916,635.98
<b>Revenues:</b>		
Earnings Tax Collections:	19,680,637.15	19,440,669.05
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	8,722,126.10	9,280,168.65
= Total Monthly Receipts	28,402,763.25	28,720,837.70
<b>Expenditures:</b>		
Bond Retirement	2,460,000.00	2,830,000.00
Short term debt refinancing	5,100,000.00	0
Other Expenditures:	25,058,864.25	27,274,438.91
= Total YTD Expenditures:	-32,618,864.25	-30,104,438.91
<b>YTD FUND BALANCE</b>	<b>10,406,188.87</b>	<b>11,533,034.77</b>

100% of the fund balance was invested as of 10-31-06. Interest paid to date on matured investments: \$490,564.85. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY  
FOR MONTH ENDING OCTOBER 31, 2006**

MONTH-TO-DATE STATUS	2005	2006
Business Net Profit	990,251.58	982,281.01
Resident Net Profit	105,434.26	94,524.17
Non-Resident Net Profit	36,852.76	33,323.72
Subcontractor Net Profit	<u>1,226.63</u>	<u>1,029.33</u>
Net Profit Total	1,133,765.23	1,111,158.23
Withholding	1,476,831.61	1,322,411.98
Subcontractor Withholding	<u>38,857.62</u>	<u>52,775.30</u>
Withholding Total	<u>1,515,689.23</u>	<u>1,375,187.28</u>
Monthly Collection Totals	2,649,454.46	2,486,345.51
YEAR-TO-DATE STATUS	2005	2006
Business Net Profit	4,768,251.61	4,398,582.65
Resident Net Profit	728,414.25	735,817.15
Non-Resident Net Profit	228,548.80	207,319.42
Subcontractor Net Profit	<u>15,152.98</u>	<u>21,913.18</u>
Net Profit Total	5,740,367.64	5,363,632.40
Withholding	13,712,455.49	13,791,387.77
Subcontractor Withholding	<u>227,814.02</u>	<u>285,648.88</u>
Withholding Total	<u>13,940,269.51</u>	<u>14,077,036.65</u>
YTD Collection Totals	19,680,637.15	19,440,669.05
YTD Refund Totals	<u>610,754.74</u>	<u>755,461.18</u>

**HEARINGS FROM CITIZENS**

Bill Sikute, 9566 Bluewing Terrace, a 30+ year resident of Blue Ash, commented upon how excited he is to be a resident at this time. The results of the election on Tuesday, when voters approved, by a significant margin, Issue 15 raising the earnings tax from 1.0% to 1.25% in support of the park improvements, were outstanding. The Committee in support of Issue 15 worked hard, and he mentioned that this same group would be eager to assist with the next phase – getting improvements moving at the airport. He complimented the Council on its farsightedness and ability to work with the City of Cincinnati. He also mentioned that he is grateful to the voters/residents who made this all possible with their affirmative votes and support.

Larry Montag, 4819 Cooper Road, owner of Montags Home Furnishings in downtown Blue Ash, also commented that he is pleased Issue 15 passed and agreed that it is an exciting time to be a part of the community of Blue Ash. He urged Council not to forget about the downtown area and volunteered to help in whatever manner would be appropriate to assure continued progress in downtown.

Cheryl Popp, a member of the network of airport support volunteers and representative of the Airline Operators and Pilots Association (AOPA) commented favorably on the overwhelming support of Issue 15. She thanked the City for its goal to try to save the airport, for working with the City of Cincinnati, and for its forward-thinking efforts. She also volunteered to assist in whatever manner would be appropriate to move this project to its next phase.

There being no further questions or comments, Hearings from Citizens was declared closed at approximately 7:17 PM.

**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 November 9th Council Agenda:

**Item 4. Public Hearing - 7:00 PM - Consideration of Ordinance No. 2006-60 – Amending portions of the Blue Ash Code of Ordinances including the entirety of Chapter 1159 and portions of Chapters 1131 and 1183 (first reading of this ordinance)**

This item represents the formal public hearing and first reading of Ordinance No. 2006-60 representing the next phase to the City’s goal for downtown redevelopment: changes to the Code of Ordinances relating to the

Downtown design standards. The ordinance would amend in its entirety Chapter 1159 (D-1 Downtown Commercial District) and portions of Chapters 1131 and 1183 of the Code. The second reading and formal vote is scheduled for the December 14<sup>th</sup> Council meeting.

To provide additional background, after Council adopted the downtown redevelopment plan in May 2006, the City staff has worked with McBride Dale Clarion, a planning and zoning consultant, to develop recommendations for changes to the D-1 District that would support the newly updated Master Plan. The first set of proposed amendments was presented to Planning Commission in June. A public hearing was held in July, and the item was tabled to allow more opportunity for public input. The item was discussed again in August, and the Planning Commission recommended approval.

The redevelopment plan calls for a downtown environment that is generally more dense, more pedestrian friendly, and has a combination of commercial and residential land uses that result in a more active life-on-the-street. New buildings should be larger and closer to the street, with parking to the rear and design elements that compliment the district and not just the site on which they are located.

A summary of the most notable of the proposed amendments to the D-1 district regulations is summarized below (in no particular order):

- A minimum gross floor area of 20,000 square feet in any new construction. The plan generally calls for larger buildings with mixed-uses.
- A minimum of two-stories above ground for all new construction.
- No setback along major streets and no more than 15 feet elsewhere.
- Allowing additions without meeting all of the requirements in the new district.
- The Downtown Design Review Committee is set-up to review and approved all new construction and additions in the D-1; the Board of Site Arrangement would not be required.
- Permits outdoor cafes with DDRC review.
- Adds minimal building design elements to the Code.
- Parking ratios and requirements generally become less demanding.
- Adds specific drive-in and drive-through criteria to Special Use chapter 1183 for applications in the D-1.

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

**10.a.1. Ordinance No. 2006-70 - Amending in its entirety and re-enacting Chapter 171 of the Code of Ordinances regarding Income Tax (first reading)**

Given the passage of Issue 15, Ordinance No. 2006-70 represents the next step in the change of the earnings tax rate from its current level of 1.0% to 1.25%, with that change to be effective January 1, 2007. Thursday's presentation represents this ordinance's first reading, with the second and formal vote to be scheduled for the December 14<sup>th</sup> regular meeting.

Included in Council's packet is a marked up copy of the current Chapter 171 of the Code, clearly showing the proposed changes. They represent the 1% to 1.25% change in all areas, clarification as to the effective date for net profit accounts, and a few "housekeeping" corrections. The members of the Board of Tax Review are aware of the proposed changes and have expressed no problems with these changes.

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

**10.a.2. Ordinance No. 2006-68 - Transferring funds**

Several adjustments are required to the 2006 Budget as approved by City Council. The attachment to this ordinance reflects several items of additional expenditure appropriations as well as three shifts within existing expenditure budgets.

All of the items listed as additional expenditures were able to be funded through extra revenue collected during the year from property tax collections. The first item involves a transfer from the General Fund to the Fire Department salaries account of \$35,000, and a corresponding Fire Department benefit transfer of \$30,000. These funds are necessary to finalize the year for the Fire Department, which has been a difficult one relating to staffing (particularly from a part-time viewpoint). We believe up to nine part-time Firefighters left the Blue Ash Fire Department in 2006 for full-time positions elsewhere, forcing a greater reliance upon regular staff for overtime during the year. The second additional expenditure involves supplemental salaries and benefits in the Facilities Maintenance account of \$10,000 and \$15,000 respectively. The final expenditure appropriation is for supplemental gasoline funding in the Police Department for \$7,000.

With this transfer, the Finance Office is attempting to finalize and close the North Fire Station Construction

Fund #442. Any listings beginning with the numbers "442" or "331" relate to this process of closing the fund and sending any balances remaining to the General Obligation Bond fund (as is required by State statute). The remaining balance, which is just less than \$20,000, will be send to Fund #331 upon successful consideration of the transfer ordinance.

Regarding the transfers within existing expenditure appropriations, funding is being shifted from utilities in both the Golf Programming and Golf Grounds Maintenance accounts to the benefits area so that those accounts are structured for the remainder of the year.

Please direct questions regarding this transfer to the Treasurer.

**10.b.1. Ordinance No. 2006-69 - Amending Ordinance No. 2006-44 regarding renovations at the historic Hunt House**

Ordinance No. 2006-69 amends Section II of Ordinance No. 2006-44 passed in June relating to the painting and finishing contractor for the Hunt House renovations -- True Cut Painting. Ordinance No. 2006-69 authorizes an additional amount of \$5,000 to the already approved amount of \$46,000. Additional unanticipated work was required at the project, including additional plaster repair, additional paint preparation, and labor to rehang parlor ceiling paper.

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

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

Councilman Bryan asked the Clerk to read Ordinance No. 2006-70 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-70

AMENDING IN ITS ENTIRETY AND RE-ENACTING CHAPTER  
171 OF THE BLUE ASH CODE OF ORDINANCES ENTITLED  
"INCOME TAX"

Councilman Bryan explained that tonight's presentation of Ordinance No. 2006-70 represents the first reading. The second and final reading, including formal vote, is scheduled for December 14, 2006. He further explained that given the passage of Issue 15 this past Tuesday, which authorized a change to the Charter to increase the earnings tax from its current 1.0% level to 1.25%, this ordinance modifies the language in the tax document to reflect this change.

Councilman Bryan asked the Clerk to read Ordinance No. 2006-68 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-68

PROVIDING FOR THE TRANSFER OF FUNDS AND  
AMENDMENTS WITHIN THE ANNUAL APPROPRIATION  
ORDINANCE NO. 2006-3 FOR THE YEAR 2006 (AS SHOWN  
ON ATTACHMENT); 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 Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeses. Motion carried.

Councilman Bryan moved, Councilman Sumner seconded to adopt Ordinance No. 2006-68. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-68 passed.

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

Councilman Czerwonka asked the Clerk to read Ordinance No. 2006-69 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-69

AMENDING SECTION II OF ORDINANCE NO. 2006-44 REGARDING  
INTERIOR PAINTING AND FINISHING WORK ASSOCIATED WITH  
THE HUNT HOUSE RESTORATION PROJECT; AND DECLARING AN  
EMERGENCY

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

Councilman Czerwonka moved, Councilman Bryan seconded to adopt Ordinance No. 2006-69. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-69 passed.

***MISCELLANEOUS BUSINESS***

Service Director Denny Albrinck commented that the City has replaced the access gate at the end of Raven Lane near the Twin Lakes condos. He also mentioned that the traffic signal at Plainfield and Glendale-Milford is fully operational and the traffic signal improvements at Plainfield/Georgetown/Ronald Reagan Highway have been completed.

City Manager David Waltz commented that it is humbling to have had the residents so overwhelmingly support Issue 15. He expressed thanks to the residents/voters and commented that a lot of work is now ahead to make those improvements become reality. He mentioned that the Parks & Recreation Director is in the process of preparing a Request for Qualifications/Proposals for architectural work associated with the Recreation Center and Golf Course projects, and it is expected that early in 2007 a firm will be on board. Mr. Waltz commented that the City has retained an airport consultant to assist with the airport reconfiguration effort to perform a basic overview, and that firm is in the process of working on that report. He also mentioned that the City now also has a signed contract with the City of Cincinnati for the airport property.

Mr. Waltz mentioned that the City's engineering firm, CDS Associates, is currently working on a basic traffic analysis of the Plainfield/Hunt area. The Administration anticipates that this report will be presented to Council at the December 14<sup>th</sup> meeting. Mr. Waltz mentioned that CDS will later also be doing a detailed corridor study of Reed Hartman to determine the impact of projects, such as The Landings development on Carver Road.

Mr. Waltz asked Council that they consider the addition of an Executive Session for the Council Budget Study meeting scheduled for Thursday, December 30<sup>th</sup>, to discuss Personnel matters. He suggested that the Executive Session begin at 6:30PM, and be held in the City Manager's Conference room as a matter of convenience for arriving residents planning to attend that evening's work session. Council expressed no objection to this plan.

Councilman Bryan requested that Council receive periodic updates from the Administration regarding the progress of efforts with the City of Cincinnati relating to the reconfiguration of the Airport. Mr. Waltz agreed and commented that Cincinnati does not appear to be delaying matters as they also have already started work with an airport consultant and engineers regarding the reconfiguration. Councilman Sumner asked if an estimated schedule of progress could be established of work ahead with the City of Cincinnati on these efforts, and Mr. Waltz commented that he would ask Cincinnati for that information. Mr. Waltz explained that before the FAA is approached for grant funding to relocate the airport, the plans to reconfigure it must first be approved by them. The process to request grant funding comes only after the FAA approves such plans.

Councilman Sumner lightheartedly commented on the need for expediency for the November 30<sup>th</sup> work session since the Cincinnati Bengals football game is scheduled for that evening as well.

Vice Mayor Weber commented that Tuesday was a “watershed” day for Blue Ash with the passage of Issue 15. He mentioned that it is heartening to see that so many voters saw the vision, and now it is our job to make sure it becomes reality.

Councilman Stacey commented favorably on the recent office market report for the area, showing Blue Ash to have the lowest vacancy rate at 8.43% for Class A office space.

Councilman Bryan expressed appreciation to Mr. Waltz and Mr. Johnson for persuading the owners of the Lofts project on Towne Square Avenue to clean up their site. Councilman Bryan suggested that the City do what it can to encourage progress be made at that site.

Mayor Buckman expressed congratulations to City Manager Waltz and the Administration on their success in working with the City of Cincinnati regarding the airport property. He commented that over 5,000 people voted in Blue Ash, representing about 56% of the voters. Of those, about 3,300 voted “yes” and 1,700 voted “no.” He is convinced that the outcome of this project over the years will be enjoyed by all.

Mayor Buckman reminded all of Veterans Day ceremonies this Saturday at 10:30AM at the Veterans Memorial Park.

***ADJOURNMENT***

All items on the agenda having been acted upon, Councilman Bryan moved, Councilwoman Stoller seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 7:32 PM.

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Robert J. Buckman, Jr., Mayor

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Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

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Susan K. Bennett, Deputy Clerk of Council