

BLUE ASH CITY COUNCIL

August 14, 2008

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on August 14, 2008. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at 7:00 PM.

**OPENING CEREMONIES**

Mayor Buckman asked U.S. Marine Private Anastasia Pike to lead 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, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Public Works Director Mike Duncan, Fire Captain Greg Preece, Assistant to the City Manager Kelly Osler, member of the press, and interested citizens

**BEAUTIFICATION WEEK AWARD PRESENTATIONS**

A summary of this year's Beautification Week award winners is below. Most attended the meeting to accept their award in person presented by Councilman Lee Czerwonka.

**RESIDENTIAL WINNERS:**

- Committee's Choice Winner: 10116 Kenwood Road – John Yasbeck & Maureen Menke
- Mayor's Choice Winner: 10193 Zig Zag Road – Joseph Fee
- People's Choice Winner: 10350 Ryan's Way – Steve & Sherri Warshaw
- People's Choice Finalists:
  - 10409 Rachel Anne Court: The Wilkes Family
  - 10293 Ryan's Way: The Remaklus Family
  - 11110 Woodlands Way: Ron & Barbara Sensibaugh
  - 4727 Twinbrook Court: Michele Jack & John Andrews
  - 4907 Myrtle Avenue: The Pike Family
  - 3870 Blackwood Court: The Werthaiser Family
  - 3835 Blackwood Court: Perry Leitner

**BUSINESS WINNERS:**

- Large Business: Ethicon Endo-Surgery, Southwest corner of Creek & Reed Hartman
- Small Business: Children's Eye Physicians, Towne Square Avenue

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

**ACCEPTANCE OF AGENDA**

Councilman Bryan moved, Vice Mayor 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. BEAUTIFICATION WEEK AWARD PRESENTATIONS
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 July 10, 2008

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8. COMMUNICATIONS

- a. Communications to Council - Clerk of Council Jamie K. Eifert
- b. Reports From Outside Agencies
- c. Mayor's Report – July 2008 – Honorable Robert J. Buckman, Jr.
- d. Financial Report – Motion to accept the report for July 2008

9. HEARINGS FROM CITIZENS

10. COMMITTEE REPORTS

- a. Finance & Administration Committee, Rick Bryan, Chairperson
  - 1. Ordinance No. 2008-48, repealing Ordinance No. 2008-32
  - \*2. Presentation from Clerk of Council of the petition relating to Ordinance No. 2008-32 and the certificate of the referendum committee's determination as to the validity and sufficiency of said petition according to law (in accordance with Sec. 18.02 of the Blue Ash Charter)
  - \*3. Motion referring referendum petition to the Finance & Administration Committee of Council to hold a public hearing thereon (in accordance with Sec. 18.04 of the Blue Ash Charter)
  - \*4. Finance & Administration Committee motion setting a public hearing in accordance with Sec. 18.04 of the Charter of the City of Blue Ash relating to the referendum petition
  - 5. Ordinance No. 2008-44, transferring funds
  - 6. Ordinance No. 2008-47, affirming City's use of salary reduction pick-up plan for OPERS
- b. Public Works Committee, Henry S. Stacey, Chairperson
  - 1. Ordinance No. 2008-45, awarding bid for purchase of two trucks for the Service Department
  - 2. Ordinance No. 2008-46, amending Ordinance No. 2008-7 regarding the Blue Ash/Hunt Road improvement project
- c. Public Safety Committee, Stephanie Stoller, Chairperson
  - 1. Ordinance No. 2008-49, authorizing contract for public health services with Hamilton County

11. MISCELLANEOUS BUSINESS

12. ADJOURNMENT"

\*Note: these agenda items were deleted from the agenda via Council motion later in this meeting after passage of Ordinance No. 2008-48.

**APPROVAL OF MINUTES**

Councilwoman Stoller moved, Councilman Bryan seconded to approve the minutes of the regular meeting of July 10, 2008. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

There were no communications presented to Council.

**Reports From Outside Agencies**

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

**Mayor's Report – July 2008**

RECEIPTS:

Fines .....	\$ 15,263.37
Bonds & BMV fees carried over .....	\$0
Interest Earned .....	\$0.45
Bonds collected .....	\$ 0
Money due City from June 2008 .....	\$85.00
Due Mayor's Court from City .....	\$200.00
TOTAL RECEIPTS:.....	\$15,263.82

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures).....	\$11,333.82
To the State of OH.....	\$3,912.00
Refund of Overpaid Fines .....	\$18.00
Bond Money applied.....	\$0

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Bond Money returned .....	\$0
BMV .....	\$0
TOTAL DISBURSEMENTS .....	\$15,263.82
BALANCE IN BONDS: .....	\$ 0
Mayor's Court traffic citations .....	170
Mayor's Court criminal citations .....	24
Total Mayor's Court cases .....	194
July revenues from Mayor's Ct. Cases: .....	\$11,333.82

**Financial Report – July 2008**

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

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

MONTH TO DATE	2007	2008
START OF MONTH FUND BALANCE: 7-1-08	\$16,577,759.04	\$26,707,606.09
<b>Revenues:</b>		
Earnings Tax Collections:	2,667,558.90	2,578,186.53
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	851,603.05	787,237.98
= Total Monthly Receipts	3,519,161.95	3,365,424.51
<b>Expenditures:</b>		
Bond Retirement	0	1,000,000.00
Short term debt refinancing	0	0
Other Expenditures:	2,702,017.94	2,172,092.26
= Total Monthly Expenditures:	-2,702,017.94	-2,172,092.26
END OF MONTH FUND BALANCE: 7-31-08	17,394,903.05	27,900,938.34
YEAR TO DATE	2007	2008
START OF YEAR FUND BALANCE:	17,286,456.32	24,395,221.48
<b>Revenues:</b>		
Earnings Tax Collections:	16,356,842.48	18,479,257.91
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	6,586,063.39	7,637,234.68
= Total Monthly Receipts	22,942,905.87	26,116,492.59
<b>Expenditures:</b>		
Bond Retirement	0	1,000,000.00
Short term debt refinancing	0	0
Other Expenditures:	22,834,459.14	21,610,775.73
= Total Monthly Expenditures:	-22,834,459.14	-22,610,775.73
YTD FUND BALANCE:	17,394,903.05	27,900,938.34

100% of the fund balance was invested as of 7/31/08. Interest paid to date on matured investments: \$452,900.93. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING JULY 31, 2008**

MONTH-TO-DATE STATUS	2007	2008
Business Net Profit	557,650.97	662,732.50
Resident Net Profit	109,225.59	99,091.57
Non-Resident Net Profit	30,377.50	32,125.97
Subcontractor Net Profit	2,061.50	741.15
Net Profit Total	699,315.56	794,691.19
Withholding	1,914,145.11	1,732,910.26
Subcontractor Withholding	54,098.43	50,585.08
Withholding Total	1,968,243.54	1,783,495.34
Monthly Collection Totals	2,667,559.10	2,578,186.53
YEAR-TO-DATE STATUS	2007	2008
Business Net Profit	2,272,527.30	3,414,097.94
Resident Net Profit	686,782.65	729,457.90
Non-Resident Net Profit	184,875.55	196,242.42
Subcontractor Net Profit	46,683.79	43,033.61
Net Profit Total	3,190,869.29	4,382,831.87
Withholding	12,861,270.50	13,801,167.04
Subcontractor Withholding	304,701.89	295,259.00
Withholding Total	13,165,973.39	14,096,426.04

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YTD Collection Totals	16,356,842.68	18,479,257.91
YTD Refund Totals	<u>1,210,094.04</u>	<u>706,776.04</u>

**HEARINGS FROM CITIZENS**

Jamie Pike, 4907 Myrtle Avenue, commented that on May 12, 2008, her daughter, Anastasia Pike, left for Parris Island to begin her training with the U.S. Marine Corps. On August 2, she officially became a U.S. Marine, and shortly thereafter graduated on August 8. There were 130 females who started the training along with Anastasia, and only about half made it to graduation. Anastasia did extremely well during her training, receiving many awards and commendations (including being selected to be Platoon Leader, Squad leader, among other accomplishments). Mrs. Pike commented on how proud of her the entire Pike Family is, and introduced to Council and the audience Private Anastasia Pike, who was in attendance at the meeting in Marine uniform. The audience gave a standing ovation.

Clete Oaks, 5155 Meyers Lane, commented that he was sad to hear of a potential move of the Veterans Memorial. He expressed concern with the apparent secrecy of the events related to this downtown development and the thought that perhaps business is taking a priority over veterans in the community. He suggested that the City and Council consider thinking of the veterans and not to move the Memorial.

Jim Meyers, 9588 Linfield Drive, commented that during the process of collecting signatures for the petitions, they had the opportunity to talk with many citizens. He commented on the strong acknowledgement of past City leadership and all it has provided for the City, and that the City has a strong connection to its open spaces. Many citizens, including school teachers, grandparents, and more, spoke of fond memories and immense attachment associated with the Veterans Memorial. It was his belief that most with whom they talked felt that their thoughts are not recognized by the City's current Council and Administration. Several expressed desire for development in downtown to occur on periphery locations, but not on the site of the Square and Memorial, and it is their hope that the Council will pursue these projects. He mentioned that the desire with the petitions was to put the proposed development before a vote of all electors – not necessarily to rescind the ordinance. Movement of the Veterans Memorial and reduction of the Towne Square space is not something that citizens would like for the City to pursue, and he urged Council to pass an ordinance that would require a two-thirds vote of electors to occur before any movement of the Veterans Memorial Park could take place.

Jackie Iden, 6441 Donjoy Drive, commented that she was a Sycamore teacher from 1965 to 1993, and has lived in Blue Ash since 1968. She mentioned that she is very proud of Councilman Sumner and his voting record, and is disappointed in the other Council members. She commented that “we” are Blue Ash and it is not right to give away public space without asking “us.”

Betty Brooks, 9470 Blue Ash Road, commented that she read in *The Cincinnati Enquirer* that the City will give all or part of Towne Square away in the proposed downtown development. If the City can afford to give away that property, then she asked why it sought an increase in the earnings tax. In referring to a comment made by Vice Mayor Weber during a recent radio interview with 700WLW's Bill Cunningham, she commented that people can make up their own mind regarding whether to sign a petition or not, and they do not have to sign the petition in order to make the petitioner go away.

Cecelia Kloecker, 9485 Wynnecrest Drive, commented that the only reason she signed the petition was to give citizens the chance to vote on the issue. She stressed that her signing the petition did not indicate whether or not she was in favor of the development. She commented that no one knows what the majority of citizens would want, and suggested that a majority, not two-thirds as previously suggested by Mr. Meyers, be the deciding factor.

Jim Siuda, 5761 Donjoy Drive, commented that his son, his father, and he all have bricks in the Veterans Memorial. Though he is not opposed to moving the Memorial, he would like for it to remain somewhere in downtown Blue Ash. He has lived in Blue Ash for 25 to 30 years, and he questions whether the property should be given away. On another matter, Mr. Siuda commented that a ranch-style house is being torn down in his neighborhood, and a two-story dwelling being constructed. He expressed concern that this new home is out of character

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with the neighborhood and asked that the City take another look at it.

There being no further comments from citizens or the public, Hearings from Citizens was declared closed at 7:26PM.

**COMMITTEE REPORTS**

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

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

**3. Beautification Week Award Presentations**

Beautification Week awards will be presented at Thursday's meeting. Beautification Week judging took place the week of June 9<sup>th</sup> by the committee. Judging was based upon nominations received from the community, and this year we received over 36. The judges viewed each of those properties, with the criteria being overall upkeep and maintenance of property, type of plantings used, type of color combinations used, overall lawn area maintenance, and overall tree maintenance. The People's Choice was the result of voting by citizens. Photographs of the properties were posted at both the Recreation Center and the Golf Course so residents could vote on their favorite property, with voting taking place between June 18 and 27. Over 300 votes were received for People's choice.

Those to be presented with awards, with many expected to be present at Thursday's meeting, include those listed below.

**RESIDENTIAL WINNERS:**

- Committee's Choice Winner: 10116 Kenwood Road – John Yasbeck & Maureen Menke
- Mayor's Choice Winner: 10193 Zig Zag Road – Joseph Fee
- People's Choice Winner: 10350 Ryan's Way – Steve & Sherri Warshaw
- People's Choice Finalists:
  - 10409 Rachel Anne Court: The Wilkes Family
  - 10293 Ryan's Way: The Remaklus Family
  - 11110 Woodlands Way: Ron & Barbara Sensibaugh
  - 4727 Twinbrook Court: Michele Jack & John Andrews
  - 4907 Myrtle Avenue: The Pike Family
  - 3870 Blackwood Court: The Werthaiser Family
  - 3835 Blackwood Court: Perry Leitner

**BUSINESS WINNERS:**

- Large Business: Ethicon Endo-Surgery, Southwest corner of Creek & Reed Hartman
- Small Business: Children's Eye Physicians, Towne Square Avenue

Please direct questions regarding Beautification week to Councilman Czerwonka.

**10.a.1. Ordinance No. 2008-48 – Repealing Ordinance No. 2008-32**

As is outlined in a separate memo to Council from the City Manager, the City and Miller-Valentine have been working diligently for the past several months to confirm the financial feasibility of the proposed downtown development. As was explained from the inception of this process, financing was a major hurdle that would have to be cleared in order for the project to move forward. It has been determined by both Miller-Valentine and the City that due to current economic conditions, including a tight lending market and rapidly rising construction costs, that there will likely be a significant gap in financing that would require a much higher level of public funding than was previously anticipated. It is the City Manager's recommendation that Council consider repealing Ordinance No. 2008-32 to relieve both the City and Miller-Valentine of continued obligations to the project due to the inability to meet the financial feasibility milestone.

Should Council pursue repealing of Ordinance No. 2008-32, then, as confirmed with the Solicitor, Items 10.a.2 – 10.a.4. would become null and void, and it would be appropriate for Council to then amend the agenda to delete these items. Should Council decide to not repeal the previous ordinance, then it is recommended that Council move forward with Items 10.a.2. – 4 on the agenda.

Please direct questions regarding this item to the City Manager and Solicitor.

**10.a.2. Presentation from Clerk of Council of the petition relating to Ordinance No. 2008-32 and the certificate of the referendum committee's determination as to the validity and sufficiency of said petition according to law (in accordance with Sec. 18.02 of the Blue Ash Charter)**

This item, as well as items 10.a.3 and 10.a.4. relate to the referendum petition filed relating to Ordinance No. 2008-32. As is required by the City Charter (Sec. 18.02), formal presentation by the Clerk of Council of the petition and the referendum committee's determination as to the validity and

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sufficiency of the petitions is necessary at this meeting. The committee, which includes Mr. Werden, Vice Mayor Weber, and Clerk of Council Jamie Eifert, met on two occasions (July 29 and August 4), and has determined that the "petition submitted to referendum Ordinance No. 2008-32 passed on June 12, 2008 is valid and sufficient according to law."

For Council's and the public's reference, a summary of the occurrences to date related to this referendum petition is below:

- A Referendum Petition relating to Ordinance No. 2008-32 passed by Blue Ash City Council on June 12, 2008 was filed at approximately 12:30PM, Monday, July 21, 2008. Said submission included 53 individual forms.
- The Mayor was subsequently notified of such filing on a timely basis.
- On July 25, 2008, in accordance with Sec. 18.02 of the Blue Ash Charter, the Mayor formally appointed a committee of two relating to this Referendum Petition. Those appointees included Clayton D. Werden III, representing the committee supporting the petition, and Mark F. Weber, Vice Mayor of Blue Ash.
- The Mayoral-appointed referendum committee along with the Clerk of Council and other interested persons met at a public meeting held on Tuesday, July 29, 2008, and formally decided, via motion passed unanimously, to seek the help of the Hamilton County Board of Elections in determining the validity and sufficiency of the submitted petitions.
- The petitions were hand delivered by the Clerk of Council to the Hamilton County Board of Elections at approximately 10:30AM, on Tuesday, July 29, 2008.
- The Board of Elections subsequently "reviewed and verified the signatures on the proposed Referendum Petitions received in our office on July 29, 2008." Said Board has determined that "there are enough valid signatures to meet the requirement for placing the issue on the ballot. The required amount is 631 signatures according to Article XVIII, Sec. 18.01 of the Charter of the City of Blue Ash." The Board summarized its findings as follows: "We find the following information to be correct: 1290 total signatures submitted; 1290 total signatures verified; 1071 total valid signatures; 631 minimum valid required." (Note: quotation marks indicate exact verbiage from the letter addressed to the Clerk of Council, dated and received July 31, 2008 and signed by Sally J. Krisel, Director of the Hamilton County Board of Elections.)
- The Mayoral-appointed referendum committee along with the Clerk of Council and other interested persons met at a public meeting held on Monday, August 4, 2008, and formally decided, via motion passed unanimously, to accept the findings of the Board of Elections and, as a committee, to find the petitions comply with Ohio general law as well as the Charter of the City of Blue Ash.

Please see the next two items which also related to this issue, and please direct questions regarding this issue to the Solicitor.

**10.a.3. Motion referring referendum petition to the Finance & Administration Committee of Council to hold a public hearing thereon (in accordance with Sec. 18.04 of the Blue Ash Charter)**

Also required by City Charter (Sec. 18.04), the next step outlined is Council's referral of the petition to a Council committee and for this committee to hold a public hearing. The appropriate Committee would be the Finance & Administration Committee of Council, with members of that committee including Councilman Bryan (Committee Chair), and Council members Stoller and Czerwonka. A formal motion by Council regarding this referral would be appropriate.

Please direct questions regarding this item to the Solicitor.

**10.a.4. Finance & Administration Committee motion setting a public hearing in accordance with Sec. 18.04 of the Charter of the City of Blue Ash relating to the referendum petition**

As mentioned above, the City's Charter stipulates that the Council committee would be responsible for holding a public hearing regarding the petition. The Administration suggests that a hearing be set for Thursday, August 21, August 28, or September 4<sup>th</sup>.

Please direct questions regarding this item to the Solicitor.

**10.a.5. Ordinance No. 2008-44 - Transferring funds**

Several minor issues need to be addressed via transfer at this time. Those items are reflected on the attachment to Ordinance No. 2008-44, representing repair to a fire hydrant paid from the Fire Department accounts, and several transfers within appropriations in the General Fund.

Funding exists within the expenditure appropriations for the Fire Department for handling repairs to hydrants that are damaged or destroyed by vehicles or other "catastrophes." If the City is successful in identifying the party that damaged the hydrant, recovery efforts are attempted with their insurance company. If successful, as was the case in this repair, the revenue received from the insurance company needs to be appropriated, and additional funds need to be placed into the expenditure

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account for funds used for the repair. A transfer in the amount of \$1,972.53 is involved in this transaction.

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Finally, there are two \$5,000 shifts within the General Fund providing supplemental funding to the Administrative training, travel and transportation account as well as the Administration operating supplies account. There are no specific or unusual issues involved with this item, merely representing increased activity in these areas related to the City's pursuit of ongoing objectives and priorities.

Please direct questions regarding this transfer to the Treasurer.

**10.a.6. Ordinance No. 2008-47 - Affirming City's use of salary reduction pick-up plan for OPERS**

Earlier this year, the City's Finance & Human Resources offices were notified by the Ohio Public Employee's Retirement System (OPERS) that an updated ordinance is required from City Council specifically authorizing the City's usage of a salary reduction "pickup" plan related to the employee's contribution to the pension system. It would seem that there had been recent changes in their requirements in the Internal Revenue Service relating to this process whereby an employee's salary is reduced by the amount of the employee's contribution to the pension system so that their contributions are handled on a tax-deferred basis. A similar "update" ordinance was required of the City during 2006 relating to the Ohio Police & Fire pension systems, and OPERS is following suit, in 2008.

The City has been utilizing a salary reduction "pickup" plan for OPERS since about 1986, relying upon legislation passed at that time and updated at least once then. This process permits the employee to "defer" earnings tax at a state and federal level on that portion of their earnings which represent the periodic employee contributions to OPERS. Of course, relying upon a deferment of the income tax means that the entirety of the pension received by the employee at a later date is taxable at both the federal and state level. Taxation on a local level remains unaffected by the presence of a salary deduction "pickup" plan.

The City will continue to operate in this arena, as it has since 1986, with no changes in our reporting, operating, or costs. OPERS has requested an updated authorization from City Council, that seems to be a necessity relating to current IRS regulations. As such, it would appear to be merely a "housekeeping" matter, with no impact upon the City, its budget, or its employees.

Please direct questions regarding this item to the Treasurer.

**10.b.1. Ordinance No. 2008-45 - Awarding bid for purchase of two trucks for the Service Department**

The City advertised in the *Northeast Suburban Life-Press* on July 23, 2008 and mailed request for proposal notices to nineteen dealerships. Four actual bids were received and publicly opened on August 7, 2008.

The Service Superintendent has reviewed the bids and recommends that the City Manager be authorized to enter into a contract with Woody Sander Ford, Inc. as their bid was the best and most responsive based upon quality, service, performance record, and price.

The trucks will be outfitted for snow removal operations at an additional cost, but not as part of this contract.

Any questions concerning this ordinance should be directed to the Public Works Director.

**10.b.2. Ordinance No. 2008-46 - Amending Ordinance No. 2008-7 regarding the Blue Ash/Hunt Road improvement project**

Ordinance No. 2008-46 represents the next change order associated with the Blue Ash/Hunt Road improvement project and includes the addition of two line items: 24" Hi Q Pipe and Tensar Fabric. Other Council-authorized change orders associated with this project were previously addressed via passage of Ordinance Nos. 2008-26 and 2008-42 on April 3 and July 10, 2008 respectively.

The pipe associated with this change order is a high strength pipe which is required to address the shallow cover over the pipe necessary in order to avoid other utilities. This stronger pipe allows traffic over the pipe without danger of damage or collapse, and the ordinance authorizes an additional lump sum line item in the amount of \$5,765.

The Tensar Fabric is a structural fabric used on roadways to help strengthen the roadway and bridge over "soft" areas and utility trenches. Due to the extensive number of underground utilities in Blue Ash Road (i.e., 36" water line, 16" water line, telephone, and storm sewer), the subgrade in these areas cannot be adequately compacted. The Tensar Fabric provides the added strength to ensure a long-lasting structural section for the roadway. The ordinance authorizes an additional amount not to exceed \$5.25 per square yard.

The roadway south of Ronald Reagan Highway was completed on August 1<sup>st</sup> and is open to traffic. Additionally, Hamilton County repaved Blue Ash Road from our corporate limits to Galbraith Road. The contractor, CJ&L Construction, is currently working north of Ronald Reagan and should complete all construction by mid November, weather permitting.

Please address questions regarding this ordinance or the project to the Public Works Director.

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**10.c.1. Ordinance No. 2008-49 - Authorizing contract for public health services with Hamilton County**

Ordinance No. 2008-49 authorizes the City Manager to renew a contractual agreement with the Health District Advisory Council of the Hamilton County, Ohio, in order to provide for public health services through the Hamilton County Board of Health for calendar year 2009 for an amount not to exceed \$42,925.82. This figure represents an approximate \$253 increase from the previous year's expense. The City of Blue Ash is one of twelve contracting cities that work through the Board of Health in addition to all villages and townships. The City of Blue Ash is annually assessed based upon a formula that takes into consideration the overall budget of the district and property valuation of each jurisdiction. Over the last 20 years, the City has experienced eleven annual decreases in the assessment and ten increases.

The City of Blue Ash has been satisfied with the services offered by the Hamilton County Board of Health and the City Administration recommends renewal of the contract. The City is required by law to provide public health services, and this contract enables the most cost-effective means as of this date for providing these services and satisfying the State of Ohio requirements. Included within Council's packets is the annual report to Blue Ash from the Commissioner detailing service examples specifically provided to Blue Ash based upon their 2007 activity.

Please direct any questions regarding the contract and administration of services to the City Manager."

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

Councilman Bryan asked the Clerk to read Ordinance No. 2008-48 in its entirety.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2008-48

REPEALING ORDINANCE NO. 2008-32; AND DECLARING  
AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-48. Vice Mayor Weber explained that the City has stated from the beginning of this process that the proposed downtown development project would be a complicated and long process. One of the most important deciding factors for the project to move forward is that it be financially feasible. When the numbers were presented, the cost to the City was probably two to two-and-a-half times more than what was originally estimated. With all due respect to the referendum process, he emphasized that the project will not be possible because of the results of the financial analysis – the numbers simply do not work. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2008-48 passed.

Councilman Bryan commented that the effect of the passage of Ordinance No. 2008-48 is that the proposed downtown redevelopment project with Miller-Valentine is off the table. Given this fact, Items 10.a.2., 10.a.3., and 10.a.4. on tonight's agenda seem no longer relevant. Solicitor Mark Vander Laan confirmed that Councilman Bryan's comments are correct – given the repealing of Ordinance No. 2008-32 via passage of Ordinance No. 2008-48 tonight (which goes into effect immediately), these three agenda items have been rendered moot and there is no further need to proceed with the referendum process. A Council motion to amend the agenda to delete these items would be appropriate.

Councilman Bryan moved, Councilwoman Stoller seconded to amend the agenda to delete items 10.a.2, 10.a.3, and 10.a.4. A voice vote was taken. All members voted yes. Motion carried.

Councilman Bryan asked the Clerk to read Ordinance No. 2008-44 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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ORDINANCE NO. 2008-44

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2008-3 FOR THE YEAR 2008 (AS SHOWN ON ATTACHMENT); AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2008-44. 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. 2008-44 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2008-47 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-47

AFFIRMING THAT THE CITY OF BLUE ASH WILL PICK UP THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM **(OPERS)** FOR THE EMPLOYEES OF THE CITY OF BLUE ASH PURSUANT TO INTERNAL REVENUE CODE SECTION 414 (h)(2); AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-47. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2008-47 passed.

**Public Works Committee, Henry S. Stacey, Chairperson**

Councilman Stacey asked the Clerk to read Ordinance No. 2008-45 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-45

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF TWO DUAL WHEEL REAR AXLE CAB/CHASSIS TRUCKS (NOT TO EXCEED \$55,238); AND DECLARING AN EMERGENCY

Councilman Stacey moved, Councilman Bryan 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 yeases. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2008-45. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2008-45 passed.

The Clerk was asked to read Ordinance No. 2008-46 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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ORDINANCE NO. 2008-46

AMENDING ORDINANCE NO. 2008-7 RELATED TO THE BLUE ASH AND HUNT ROAD IMPROVEMENTS PROJECT FOR SUPPLEMENTAL LINE ITEMS (24" HI Q PIPE AND TENSAR FABRIC); AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Vice Mayor Weber seconded to adopt Ordinance No. 2008-46. 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. 2008-46 passed.

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

Councilwoman Stoller asked the Clerk to read Ordinance No. 2008-49 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-49

AUTHORIZING THE CITY MANAGER TO RENEW A CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE HAMILTON COUNTY, OHIO, GENERAL HEALTH DISTRICT FOR PUBLIC HEALTH SERVICES FOR CALENDAR YEAR 2009 FOR AN AMOUNT NOT TO EXCEED \$42,925.82; AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Bryan seconded to adopt Ordinance No. 2008-49. Councilwoman Stoller commented that the contract represents renewal of a long-term relationship with the Health District and only a slight increase in cost. Overall, the City has been satisfied with the health services provided. There being no further discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2008-49 passed.

**MISCELLANEOUS BUSINESS**

Public Works Director Mike Duncan commented that last year's drought did much damage to area trees and that crews will be removing dead trees from the City's right-of-way over the next few months. He encouraged residents to inspect their tree inventory and to remove dead ones from their properties as well.

Mr. Duncan commented that the City was notified this week that Blue Ash was the "best recycling city" in Hamilton County in the "over 10,000" category (re: population). In 2007, Blue Ash had a 24+% recycling rate, and in July this year, it reached 26%. The award is presented by the Hamilton County Soil & Water District, and an award will be presented in November in conjunction with a larger recycling event. In addressing a question from Councilman Bryan, Mr. Duncan commented that the calculation is based on tonnage of recycling materials collected from the curbside-collected recycling bins as well as the drop-off recycling locations throughout Blue Ash.

In addressing a question from Mayor Buckman, Mr. Duncan confirmed that Blue Ash Road north of Ronald Reagan Highway will also be receiving new curbs and sidewalks. He mentioned that the road south of the Highway was recently completed, and mentioned that what was done on the south portion of the road will also be done on the north portion of the road. The project is slated to be completed late this year.

Assistant to the City Manager Kelly Osler commented that she is assisting the Blue Ash/Montgomery Rotary Club with a new storm water watershed protection project, with the help of the Hamilton County Soil & Water District, whereby labels would be placed on or

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nearby sewers/storm drains to remind residents of the importance of protecting the quality of storm drainage water. Three events with the Rotary are planned to include Sycamore High School interact students, Sunny Delight employees, and one other to place the labels. In addition, door hangers will be put on nearby residential front doors with further information related to watershed issues.

Treasurer Jim Pfeffer commented that he is pleased another year's CAFR is complete (and was distributed to Council with this meeting's packets). He also mentioned the CAFR is available for review on the City's website. Councilman Bryan complimented the Treasurer, Deputy Treasurer Sherry Poppe, and the entire Finance staff on the City's many years of outstanding reports, awards, and accounting practices.

City Manager David Waltz commented that the Fire Department is currently undergoing an ISO rating system process. He mentioned that the result of the rating is a score which may affect business and homeowners and their property insurance. Currently, the City has a rating of 4, and he and the Fire Chief anticipate the rating to be improved to at least a 3, and perhaps even a 2. This rating improvement should have the affect of lowering property insurance rates. When the final rating is known, it will be reported.

Mr. Waltz commented that the City has initiated an internal requirement for recycling, which has been coordinated by Mr. Duncan. The City continues to make improvements and look towards avenues to make the City more "green" in its practices.

Mr. Waltz commented that we have confirmation that the City will receive a \$525,000 grant from the State's transportation fund, and is expected to receive that award in 2012 or 2013. The City applied to create a separate bike path/sidewalk along Plainfield Road between Cooper and Glendale-Milford. He commented that this will assist greatly in the City's connectivity efforts, especially in connecting the Peppermill, Sycamore Trace, and Ravenwood neighborhoods to the future 130-acre park near the airport. The Administration will continue to review and recommend additional projects to address connectivity throughout the City.

Mr. Waltz commented on the progress being made at the Recreation Center and invited Council to tour the Center before the next Council meeting. He suggested that Council gather at 6PM on September 11 to take that tour, and to let Ms. Bennett know if they plan to participate.

Mr. Waltz referred to a memo included in Council packets relating to the barn on the Hunt House property. The City Administration has recommended permanent removal of the barn for safety reasons. Though fencing has been placed around it to limit access, it should be removed, although salvageable components will be saved. No Council member expressed concern with removal of the barn.

Mr. Waltz commented that the City continues to work with Hamilton County towards improvements to the City's website via addition of an opportunity for citizens to directly request a service through the site. The program, which works in conjunction with the County's CAGIS system, will also provide an additional tracking feature of benefit for the City.

In answer to a question from Councilman Sumner regarding Time Warner Cable, it was explained that no Council action is required regarding information included in the packets relating to franchise fees. Because any increase in the percentage would likely be passed along in the form of an increased cost to cable subscribers/citizens, it is recommended there be no change from the current 3% fee collected.

Councilwoman Stoller suggested that a future newsletter include an article explaining what is allowed, and not allowed, to be placed in the curbside recycling bins.

In addressing a question from Councilman Sumner, Treasurer Jim Pfeffer explained that the damaged stone wall at the southwest corner of Hunt and Kenwood Roads is scheduled for repair beginning Monday, August 18. The reason for the delay in its repair related to an insurance claim which his office had been working on since the accident occurred.

Councilman Czerwonka congratulated City Manager David Waltz on being selected for this year's Leadership Cincinnati class – a program sponsored by the Cincinnati USA Regional Partnership. He also congratulated this year's beautification week winners and thanked them for their hard work. Councilwoman Stoller added her congratulations to the beautification week winners as well, especially to the four selected from Ward 2 to receive awards.

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Councilman Stacey commented that he and Kelly Osler attended on July 30 their first meeting with the First Suburbs Consortium which the City recently joined. The meeting featured a presentation by a Hamilton County Commissioner, and reported that the Consortium is moving forward towards the concept of land banking. They also discussed using the County's Home Improvement Program (HIP) towards their goals, along with the recently expanded authority granted to the Cincinnati Port Authority. The group plans to first focus on properties that have been abandoned and have a large tax delinquency, and it is unlikely that Blue Ash has many (if any) such properties. The process will take some time, and he plans to keep Council informed of its status.

Mayor Buckman reminded all of the upcoming Taste of Blue Ash on August 22, 23, and 24.

Mayor Buckman read a letter addressed to citizen Clete Oaks, recognizing Mr. Oaks on his 50th anniversary with the Boy Scouts. The letter is signed by all seven Council members, and was presented to Mr. Oaks at the meeting after having been read in full by the Mayor:

"August 15, 2008

Mr. Clete Oaks  
5155 Meyers Lane  
Blue Ash, Ohio 45242

Dear Clete:

On behalf of the citizens of the City of Blue Ash and your many friends at Blue Ash City Hall, please accept the sincerest of congratulations on your celebration of 50 years with the Boy Scouts!

Clete, your contributions to the Boy Scouts are insurmountable. Blue Ash is truly fortunate to have a citizen who is so devoted to such a fine organization and who has served as such a positive role model for so many of our youth.

Thank you so much for your lifetime of leadership and for all you have done for the benefit of Blue Ash. We wish you many more happy and healthy years as an active Blue Ash resident."

/Signed by all seven Council members/

Mr. Oaks thanked Council for the recognition, and the audience gave Mr. Oaks a standing ovation.

**ADJOURNMENT**

All items on the agenda having been acted upon, Councilwoman Stoller moved, Councilman Czerwonka seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 7:59 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