

BLUE ASH CITY COUNCIL

September 11, 2008

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on September 11, 2008. 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 and asked everyone to stand thereafter for a Moment of Silence in recognition of our country's tragedies that occurred on September 11, 2001.

**ROLL CALL**

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

ALSO PRESENT: City Manager David Waltz, Deputy Solicitor Bryan Pacheco, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Public Works Director Mike Duncan, Assistant to the City Manager Kelly Osler, member of the press, and interested citizens

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, Councilwoman Stoller seconded to accept the agenda. A voice vote was taken. All members present voted yes. Motion carried. (Note that the agenda was amended later in the meeting to add Ordinance No. 2008-51.)

"1. MEETING CALLED TO ORDER

2. OPENING CEREMONIES

3. ROLL CALL - Clerk of Council Jamie K. Eifert

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

5. ACCEPTANCE OF AGENDA

6. APPROVAL OF MINUTES

a. Regular Meeting of August 14, 2008

7. COMMUNICATIONS

a. Communications to Council - Clerk of Council Jamie K. Eifert

b. Reports From Outside Agencies

8. HEARINGS FROM CITIZENS

9. COMMITTEE REPORTS

a. Finance & Administration Committee, Rick Bryan, Chairperson

1. Motion authorizing payment of expenses associated with Student Government Day (September 25 Council meeting)

2. Motion setting 6:00PM, Monday, October 13, 2008 as a Council Work Session to discuss the future improvements at the Blue Ash Golf Course

b. Parks & Recreation Committee, Lee Czerwonka, Chairperson

1. Ordinance No. 2008-50, amending Ordinance No. 2007-36 regarding the Recreation Center renovation project (Phase I)

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- c. Planning & Zoning Committee, James W. Sumner, Chairperson
  - 1. Motion setting a public hearing for 7:00PM, Monday, September 22, 2008, at the Hazelwood Community Center, 11090 Oak Avenue, regarding the Hamilton County Block Grant program (2009 through 2011 phase)
  - 2. Motion setting a public hearing for 7:00PM, Thursday, October 23, 2008, in Council Chambers regarding proposed projects associated with the Block Grant program (2009 through 2011 phase)
- d. Public Safety Committee, Stephanie Stoller, Chairperson
  - 1. Resolution No. 2008-10, establishing trick-or-treat hours in Blue Ash

10. MISCELLANEOUS BUSINESS

11. EXECUTIVE SESSION – Property Acquisition, Litigation, & Personnel Matter (appointment to Sycamore Schools Planning Commission)

12. ADJOURNMENT”

*(Note that later in the meeting, Ordinance No. 2008-51 was added to the agenda.)*

**APPROVAL OF MINUTES**

Councilman Bryan moved, Councilman Czerwonka seconded to approve the minutes of the regular meeting of August 14, 2008. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

The Clerk of Council read the following letter from Helen L. Grigg, 7268 Thomas Drive, Cincinnati (Madeira), Ohio 45243:

“Dear City of Blue Ash, City Council, and Administration:

I realize I am very late in thanking you for all of your concerts. We were blessed with them. Thank you!

As a senior, we sure get tired of the four walls, and you provide such a wonderful answer for us. Sure am looking forward to next year’s. Again, thank you.

Helen Grigg”

**Reports From Outside Agencies**

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

**HEARINGS FROM CITIZENS**

Holly Baker, 8920 Summit Avenue, requested that the City consider installing a traffic light and pedestrian crossing at Kenwood Road and Belleview Avenue. She expressed concern with traffic exceeding the posted 35 MPH speed limit, and commented that it is difficult to walk along Kenwood Road, and virtually impossible to safely cross the street. Mrs. Baker presented a petition signed by many neighbors expressing their support for a light and crossing at this location. She suggested that the type of crosswalk in Montgomery, including flashing lights within the pavement, might be ideal in this location. She mentioned that she has talked with Public Works Director Mike Duncan, who has been very helpful.

Mr. Duncan commented that the City will be performing a warrant analysis regarding this request, which includes gathering of updated traffic counts. Such counts are typically not done until September or October to gather true counts. In addition to the traffic counts, additional analysis will be done, and a recommendation can then be made. He commented that the City does have to follow State law regarding this, in addition to laws that control speed limits on various types of streets. Additional discussion was had and it was mentioned

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that in the past, this area has been considered for a traffic signal; however, the result of the warrants done at that time did not justify a traffic signal at this location. However, that was several years ago, and the analysis will again be performed to update those counts. City Manager David Waltz commented that the City will continue to look into this possibility, and mentioned to Mrs. Baker that additional signatures on a petition are not necessary as the process has begun.

Peter Nord, Kenridge Drive, who worked at the nearby Schauer Manufacturing along Blue Ash Road for 50 years, supported Mrs. Baker's comments in regards to the notion that traffic does exceed 35MPH in this area.

Mr. Waltz reminded Council that several years ago, the City did complete a pedestrian/walkway plan for the community, and the City has been including significant funds annually towards this issue of improving connectivity throughout Blue Ash. This practice will be continued as Council has deemed it a priority.

Councilwoman Stoller commented, in regards to the potential of a traffic signal, that when this was analyzed in the past, there may have been an issue with the close proximity of two traffic signals, as the signal at YMCA Drive and Kenwood is relatively close.

Councilman Bryan suggested that the results of the analysis/traffic counts be shared with Mrs. Baker, as well as the rules dictated by the State of Ohio regarding the City's limitations related to traffic signal installations.

Hearings from Citizens was declared closed at approximately 7:20 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 topics included on the September 11th Council agenda:

**9.a.1. Motion authorizing payment of expenses associated with Student Government Day (September 25 Council meeting)**

Student Government Day is scheduled for Thursday, September 25, this year, and this motion would appropriately authorize related expenses. Typically, related expenses include dinner that evening with the Administration/Council, with this year's dinner to be held at Parker's Blue Ash Grill.

The Administration is working with Sycamore, Ursuline, and Moeller to finalize this year's student participation. Please address questions regarding Student Government Day to the Public Information Officer or Treasurer.

**9.a.2. Motion setting 6:00PM, Monday, October 13, 2008 as a Council Work Session to discuss the future improvements at the Blue Ash Golf Course**

It appears that the proposed meeting for 6PM, Monday, October 13<sup>th</sup>, would work for Council schedules as a Council work session to discuss the future improvements at the Golf Course. This motion would establish that meeting day and time.

Please direct questions regarding this item to the City Manager.

**9.b.1. Ordinance No. 2008-50 - Amending Ordinance No. 2007-36 regarding the Recreation Center renovation project (Phase I)**

Ordinance No. 2008-50 amends the contract with Peck Hannaford + Briggs associated with the Phase I work at the Recreation Center to allow an additional \$1,350 for the HVAC/Mechanicals portion of this work. Assuming approval of this ordinance by Council, the contract, originally awarded via Ordinance No. 2007-36 and since amended via Ordinance No. 2008-4, would result in a new not-to-exceed limit of \$199,785 for this vendor. This change order relates to additional work (an amount of \$1,350) necessary to install the heating and cooling system related items that could not be detailed in bidding documents.

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

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**9.c.1. Motion setting a public hearing for 7:00PM, Monday, September 22, 2008, at the Hazelwood Community Center, 11090 Oak Avenue, regarding the Hamilton County Block Grant program (2009 through 2011 phase)**

The process for the next three-year phase of the Hamilton County Block Grant program (2009 through 2011) begins with a series of public hearings related to the grants. This motion would set the first of two required hearings. A major purpose of this first hearing is essentially a needs assessment – to outreach to low to moderate income areas and to encourage citizen participation and input in identifying potential projects. Once that information is gathered, a list and prioritization of potential projects which would meet those needs would be developed for consideration by City Council.

The second public hearing (item 9.d.2) is proposed for the October 23<sup>rd</sup> Council meeting, with the purpose of that hearing being the presentation of the proposed projects for final input and consideration.

As Council is aware, only income-qualifying areas of Blue Ash, and other specific allowed activities, are eligible to receive funds through this block grant program. Those qualifying neighborhoods for this cycle include the Hazelwood neighborhood as well as a portion of the neighborhoods off Cooper Road west of Kenwood Road. Blue Ash is eligible for \$85,000-\$90,000 for the three year funding cycle. Qualifying projects include property acquisition and demolition, infrastructure improvements (such as road, sidewalk, curb, and storm drainage), home rehabilitation and repair, and economic development activities (creating/retaining jobs for low/mod income people, job training or correction of code violations of businesses). Funds can also be used outside of the income qualifying areas to eliminate slum and blight (historic preservation falls into this category), for an urgent need, or for improvements for the disabled. A project under consideration is microsurfacing (a new surface layer for the roadway) in Hazelwood.

Please direct questions regarding the block grant program or these hearings to the Assistant to the City Manager or Public Works Director.

**9.c.2. Motion setting a public hearing for 7:00PM, Thursday, October 23, 2008, in Council Chambers regarding proposed projects associated with the Block Grant program (2009 through 2011 phase)**

See Item 9.d.1. above.

**9.d.1. Resolution No. 2008-10 - Establishing trick-or-treat hours in Blue Ash**

“Every year, City Council authorizes a resolution establishing the date and time to observe Halloween activities within the City. Traditionally, the City has recognized Halloween activities on the date of Halloween, October 31<sup>st</sup>. This resolution establishes Friday, October 31<sup>st</sup>, from 6 to 8PM as the time to observe the occasion of Halloween. Blue Ash Police and Fire personnel will be patrolling the streets and handing out candy to children while insuring that the safety of all is protected.”

The following memo from Public Works Mike Duncan was provided to Council to explain the need for Ordinance No. 2008-51:

“The State Capital Improvement Program (SCIP) is managed by the Ohio Public Works Commission to provide state funding for local infrastructure construction and rehabilitation projects. The program is administered locally by the Hamilton County Engineer’s Office and is very competitive. Grants and loans are available, depending on the competitiveness of a project. The Blue Ash/Hunt Roads Reconstruction project is partially funded with a 10-year, no interest SCIP loan.

Due to our solid Economic Health rating, the City of Blue Ash is less competitive than many other communities; therefore, a SCIP request was not going to be pursued. However, on September 10, 2008, the County Engineer’s office requested that all county jurisdictions submit projects as funding has increased for this SCIP round.

The attached ordinance authorized the City Manager to submit an application for SCIP funds for the Rehabilitation of Reed Hartman Highway between Glendale-Milford Road and Cooper Road. The estimated cost of the rehabilitation is approximately \$800,000 and the project will be completed in 2009.”

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

Councilman Bryan moved, Councilman Sumner seconded to authorize payment of expenses associated with Student Government Day (September 25 Council meeting). A voice vote was taken. All members voted yes. Motion carried.

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Councilman Bryan moved, Councilman Sumner seconded to set 6:00PM, Monday, October 13, 2008 as a Council Work Session to discuss the future improvements at the Blue Ash Golf Course. A voice vote was taken. All members voted yes. Motion carried. Councilman Bryan clarified that this does represent an additional Council meeting to the regular schedule.

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

Councilman Czerwonka asked the Clerk to read Ordinance No. 2008-50 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-50

AMENDING SECTION VIII OF ORDINANCE NO. 2007-36 REGARDING THE HVAC/MECHANICALS CATEGORY OF WORK ASSOCIATED WITH PHASE I OF THE RECREATION CENTER EXPANSION AND RENOVATION 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. Councilwoman Stoller, Councilman Sumner, Vice Mayor Weber, Councilman Stacey, Councilman Czerwonka, Councilman Bryan, and Mayor Buckman voted yes. Seven yeases. Motion carried.

Councilman Czerwonka moved, Councilman Bryan seconded to adopt Ordinance No. 2008-50. 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. 2008-50 passed.

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

Councilman Sumner moved, Councilman Stacey seconded to set a public hearing for 7:00PM, Monday, September 22, 2008, at the Hazelwood Community Center, 11090 Oak Avenue, regarding the Hamilton County Block Grant program (2009 through 2011 phase). A voice vote was taken. All members voted yes. Motion carried.

Councilman Sumner moved, Councilman Stacey seconded to set a public hearing for 7:00PM, Thursday, October 23, 2008, in Council Chambers regarding proposed projects associated with the Block Grant program (2009 through 2011 phase). A voice vote was taken. All members voted yes. Motion carried.

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

Councilwoman Stoller asked the Clerk to read Resolution No. 2008-10 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2008-10

AUTHORIZING HALLOWEEN ACTIVITIES AND ESTABLISHING TIME LIMITATIONS IN THE CITY OF BLUE ASH, OHIO, FOR OCTOBER 31, 2008

Councilwoman Stoller moved, Councilman Sumner seconded to adopt Resolution No. 2008-10. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, Sumner, and Mayor Buckman voted yes. Seven yeases. Resolution No. 2008-10 passed.

Councilman Stacey moved, Councilwoman Stoller seconded to amend the agenda to include Ordinance No. 2008-51. A voice vote was taken. All members voted yes. Motion carried.

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

Councilman Stacey asked the Clerk to read Ordinance No. 2008-51 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2008-51

AUTHORIZING THE CITY MANAGER TO SEEK FINANCIAL ASSISTANCE FROM THE STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) FOR FUNDING A CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECT AND RELATED FINANCING COSTS; 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 Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeases. Motion carried.

Councilman Stacey moved, Vice Mayor Weber seconded to adopt Ordinance No. 2008-51. 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. 2008-51 passed.

**MISCELLANEOUS BUSINESS**

Public Works Director Mike Duncan commented on a memo included in Council packets regarding the Hamilton County Storm Water District Budget for 2009. Blue Ash is one of 45 members of this District and the City and our citizens support the district's activities by property tax assessments on residential and business properties. The district provides services to assure the member agencies comply with the requirements of the County's storm water permit issued by the Ohio Environmental Protection Agency. The District has proposed a budget for 2009 that contains mandatory services required by the OEPA permit, and optional services that serve to enhance storm water quality in the County. Each member agency is asked for input by September 12<sup>th</sup> on which services they believe are needed or wanted. The information gathered from the agencies will be presented to the District's oversight Board later this month to help determine which services will be provided in 2009. Mr. Duncan included his recommendations for Blue Ash, and after some discussion, there were no objections from Council as to his recommendations as outlined. The two mandatory plus one optional addition would result in an additional cost of about \$7 per year per family; if the additional option is recommended, then it would be an additional \$1.76 per year (or approximately \$8.76 for all recommendations and options per year, per family).

Mr. Duncan commented that at the next meeting he plans to present a proposed change to the section of the Blue Ash Code relating to garbage collection to address a problem with people rummaging through recycling bins and removing recyclable products. Mr. Duncan explains that this not only creates a mess for residential areas, but also takes recycling revenue away from our contractual waste hauler (Rumpke, currently). The proposed change stipulates that once items are placed out for pickup, they are the property of the waste hauler. This is a Code section that would be enforced by the Police.

Parks & Recreation director Chuck Funk commented on the memo included in Council packets regarding the proposed synthetic turf project for the Sports Center in partnership with Ursuline Academy. This update explains a proposed change in the timing of payments to be received by Ursuline for their part in this project – Ursuline wishes to spread their commitment amount of \$250,000 over four years, with an initial payment of \$100,000, and \$50,000 per year for each of the next three years. Council expressed no objection to this arrangement with Ursuline.

City Manager Waltz commented that he met recently with members of the Airline Operator's Pilots Association (AOPA) and previously with the City of Cincinnati. The AOPA is confident that by the end of the year, the FAA should approve an amended airport layout. The next

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step would be for the FAA to determine the amount of funds to be granted, and the AOPA believes a significant amount is possible. Mr. Waltz explained that it is AOPA's opinion that as long as Cincinnati and the airport manager continue to work with the FAA, the process of reconfiguration of the airport will continue to move forward.

Mr. Waltz commented that the October 13<sup>th</sup> work session meeting set tonight will outline the golf course related design elements as well as the airport park, and Mr. Waltz suggested that a walk-through on the airport park property might be beneficial for Council and may answer some questions as to what is anticipated for discussion on October 13. He suggested that either Saturday, November 1 or November 8, might be appropriate times. After some discussion, it was determined that the morning of November 1 would be the date, with November 8 to be used as a rain date. Deputy Solicitor Bryan Pacheco confirmed that a gathering of Council would not be considered a formal meeting as it is an information gathering session, with no formal decisions to be made. It was clarified that the October 13 session is intended to discuss the overall improvements to the golf course, which would include golf-related improvements upon the property at the airport, as well as a brief refresher on the overall conceptual park design.

Mr. Waltz commented that the City is updating its emergency operations plan (EOP) as it has been several years. One major change that has happened since the last update is the addition of the new North Fire Station. No Council action is necessary regarding the EOP.

Councilman Sumner commented that at the time of the tornado incident in 1999, the EOP in place at that time excluded inclusion of the Mayor in certain decision-making responsibilities. He urged the Administration to keep the thought in mind that the EOP update should not exclude such Mayoral involvement.

Mr. Waltz commented that there is potential legislation at the State level being supported by Governor Strickland which would essentially require any TIF related construction project to be completed utilizing prevailing wage rates. He explained that if this requirement goes through, not only would any publicly constructed TIF-related project be required to follow these rates, but any privately constructed project tied to the public improvements would also have to follow such rates. He explained this would add approximately 15% to 20% to the overall cost of a project and could possibly eliminate any benefit of doing a TIF in the future. Mr. Waltz will keep Council apprised of the status of this potential legislation.

Councilman Bryan reminded all of Veterans Day ceremonies set for 10:30AM on Tuesday, November 11<sup>th</sup>. Ceremonies should be complete by approximately 11:30AM, with this timing being centered around the historically significant time of 11:00AM on the 11<sup>th</sup> day of the 11<sup>th</sup> month. This year's keynote speaker is John Erby, and there will be no luncheon this year due to construction at the Recreation Center. The committee hopes to be able to have the luncheon in 2009.

In addressing a question from Councilman Bryan relating to political signs and the timing of their placement, Deputy Solicitor Pacheco commented that the City's current policy in regards to where signs can be placed and their timing is still relevant. However, he is monitoring current lawsuits, especially those underway involving Harrison and Columbus, as to how this may affect Blue Ash's current provisions. Mr. Pacheco recommends that the City look at potential sign enforcement issues on an individual basis given the potential legal outcome and since the law appears too fluid now – for both public and private properties. Removal of signs placed in a manner which affect public safety are not an issue.

**EXECUTIVE SESSION**

After all items on the agenda were acted upon, Councilman Sumner moved, Councilwoman Stoller seconded to convene an Executive Session to discuss matters pertaining to Property Acquisition, Litigation, and Personnel (appointment to Sycamore Schools Planning Commission). The Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeases. Motion carried.

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After matters pertaining to Property Acquisition, Litigation, and Personnel (appointment to Sycamore Schools Planning Commission) were discussed, Councilman Stacey moved, Councilwoman Stoller 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, Vice Mayor Weber moved, Councilwoman Stoller seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:12 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