

BLUE ASH CITY COUNCIL

January 22, 2009

Page 1

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on January 22, 2009. 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, 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, and interested citizens

Mayor Buckman appointed Kelly Osler to read the legislation (ordinance) 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.

- “1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL – Deputy Clerk of Council Sue Bennett
4. APPOINTMENT OF PERSON(S) TO READ ORDINANCE IN FULL IN REAR OF COUNCIL CHAMBERS
5. ACCEPTANCE OF AGENDA
6. APPROVAL OF MINUTES
 - a. Regular Meeting of January 8, 2009
 - b. Special Meeting of January 14, 2009
7. COMMUNICATIONS
 - a. Communications to Council – Deputy Clerk of Council Sue Bennett
 - b. Reports From Outside Agencies
 - c. Mayor’s Report – December 2008 – Honorable Robert J. Buckman, Jr.
 - d. Financial Report – Motion to accept the report for December 2008
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
 - a. Finance & Administration Committee, Rick Bryan, Chairperson
 1. Ordinance No. 2009-11, approving a multi-year collective bargaining agreement (Police Dispatchers) and amending related portions of the Blue Ash Code of Ordinances
10. MISCELLANEOUS BUSINESS
11. EXECUTIVE SESSION – Personnel Matter (Charter Revision Committee vacancy)
12. ADJOURNMENT”

APPROVAL OF MINUTES

Councilman Sumner moved, Councilman Bryan seconded to approve the minutes of the regular meeting of January 8, 2009 Regular Council meeting and the January 14, 2009 Special Council meeting. A voice vote was taken. All members present voted yes. Motion carried.

BLUE ASH CITY COUNCIL

January 22, 2009

Page 2

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 – December 2008

RECEIPTS:

Fines.....	\$ 16,748.00
Bonds & BMV fees carried over.....	\$0
Interest Earned.....	\$0.47
Bonds collected.....	\$ 150.00
TOTAL RECEIPTS:.....	\$ 16,898.47

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$11,361.47
To the State of OH	\$4,007.00
OH Dept. of Safety (Drug Fund).....	\$871.00
Ohio Dept. of Pub Safety (Drug Law Enf. Fnd).....	\$469.00
Refund of overpaid fines	\$40.00
Bond Money applied	\$150.00
Bond Money returned	\$0
BMV.....	\$0
TOTAL DISBURSEMENTS.....	\$16,898.47

BALANCE IN BONDS:.....	\$ 0
Mayor's Court traffic citations	115
Mayor's Court criminal citations.....	22
Total Mayor's Court cases	137

December revenues from Mayor's Ct. Cases: \$11,361.47

Financial Report – December 2008

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

BLUE ASH CITY COUNCIL

January 22, 2009

Page 3

CITY OF BLUE ASH FINANCIAL POSITION STATEMENT- MONTH ENDING DECEMBER 31, 2008

MONTH TO DATE	2007	2008
START OF MONTH FUND BALANCE: 12-1-08	\$24,915,003.77	\$23,497,958.30
Revenues:		
Earnings Tax Collections:	2,272,066.32	2,279,178.73
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	377,641.75	591,878.31
= Total Monthly Receipts	2,649,708.07	2,871,057.04
Expenditures:		
Bond Retirement	0	100,000.00
Short term debt refinancing	0	0
Other Expenditures:	3,169,490.36	4,449,067.14
= Total Monthly Expenditures:	-3,169,490.36	-4,449,067.14
END OF MONTH FUND BALANCE: 12-31-08	24,395,221.48	21,919,948.20
YEAR TO DATE	2007	2008
START OF YEAR FUND BALANCE:	17,286,456.32	24,395,221.48
Revenues:		
Earnings Tax Collections:	27,564,396.76	30,119,007.40
Debt Financing (long term)	9,975,000.00	0
Debt Financing (short term)	0	0
Other Revenue Received:	12,193,711.01	13,323,147.32
= Total Monthly Receipts	49,733,107.77	43,442,154.72
Expenditures:		
Bond Retirement	3,830,000.00	3,930,000.00
Short term debt refinancing	1,000,000.00	0
Other Expenditures:	37,794,342.61	41,987,428.00
= Total Monthly Expenditures:	-42,624,342.61	-45,917,428.00
YTD FUND BALANCE:	24,395,221.48	21,919,948.20

100% of the fund balance was invested as of 12/31/08. Interest paid to date on matured investments: \$701,403.87. Receipt and expenditure figures do not include interfund transfers.

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

MONTH-TO-DATE STATUS	2007	2008
Business Net Profit	224,041.39	609,847.06
Resident Net Profit	86,702.88	77,220.42
Non-Resident Net Profit	17,470.71	18,961.33
Subcontractor Net Profit	1,283.50	3,488.00
Net Profit Total	329,498.48	709,516.81
Withholding	1,921,735.64	1,551,745.23
Subcontractor Withholding	20,832.20	17,916.69
Withholding Total	1,942,567.84	1,569,661.92
Monthly Collection Totals	2,272,066.32	2,279,178.73
YEAR-TO-DATE STATUS	2007	2008
Business Net Profit	3,691,281.96	5,263,933.13
Resident Net Profit	1,021,324.44	1,068,422.21
Non-Resident Net Profit	267,281.33	283,007.40
Subcontractor Net Profit	55,943.63	70,879.25
Net Profit Total	5,035,831.36	6,686,241.99
Withholding	20,220,414.57	22,935,036.64
Subcontractor Withholding	487,107.53	497,728.77
Withholding Total	22,528,565.40	23,432,765.41
YTD Collection Totals	27,564,396.76	30,119,007.40
YTD Refund Totals	1,529,796.04	1,029,814.39

HEARINGS FROM CITIZENS

Peter Nord, 10527 Kenridge Drive, encouraged Council to incorporate long-term planning into the government process since planning is important not only for businesses, but government as well.

Hearings from Citizens was declared closed at approximately 7:04 PM.

BLUE ASH CITY COUNCIL

January 22, 2009

Page 4

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 January 22 Council agenda:

9.a.1. Ordinance No. 2009-11 - Approving a multi-year collective bargaining agreement (Police Dispatchers) and amending related portions of the payplan

Ordinance No. 2009-11 authorizes the City Manager to enter into a three-year Collective Bargaining Agreement, and consequently addresses related issues affecting Chapters 131 and 133 of the Code. These issues are summarized below:

Bargaining Agreement Changes

The FOP Dispatchers Unit requested to be recognized in August 2005, making this the second contract to be negotiated with them. The City entered into negotiations with the Dispatcher's bargaining unit beginning in October of 2008. After 2 months of negotiations, we have agreed, subject to Council approval, to changes in the contract as outlined below:

- **Throughout** – Changes were made to reflect gender neutral references.
- **Throughout** – Changed Assistant City Manager to City Manager where appropriate.
- **Section 9.2** – Added language regarding notification to the employee if they are to be the subject of an internal investigation.
- **Section 10.5** – Removed Civil Service from the grievance procedure.
- **Section 12.4** – Changed language to reflect mandates of State and Federal law regarding public records requests.
- **Section 16.4**
 - Compensatory time may be accrued up to 200 hours a year. This is a refillable accrual, and mirrors the Patrol Officer's current contract.
 - If the employee and employer can not mutually agree on a time to schedule compensatory time off, then the employee can accept pay for the hours requested or withdraw the request.
- **Section 16.10** – Added language regarding the distribution or process for offering overtime. This language reflects current practice.
- **Section 17.1** – Added language allowing for court time pay, should a Dispatcher be called to attend a court proceeding.
- **Section 19.1** – Wage increases are as follows: 3% in 2009; 2.8% in 2010; 2.5% in 2011. These increases reflect the decision of a SERB fact-finder from the December 15, 2008 fact-finding proceeding.
- **Section 19.6** – Increased the pay adjustment for an assignment as Communication Training Officer from 4% to 6% added to the base rate of pay.
- **Section 20.1** – Aligned longevity to changes in the Blue Ash Code of Ordinances reflecting an increase from \$4.00 per complete month of service to \$5.00 per complete month of service.
- **Section 21.1/21.2** – Included language in the Insurance Clause offering a second, less expensive plan, at no cost to the employee. This is intended as catastrophic insurance for those employees who use the City's insurance benefits infrequently.
- **Section 21.3** – Added the provision of an annual monetary incentive of \$2,000 for those employees who elect to be covered for medical insurance coverage elsewhere. This is, of course, contingent upon the provision of proof of coverage through another source.
- **Section 22.2** – The annual stipend that employees receive for maintenance expenses of their uniforms would be increased from \$250.00 to \$350.00.
- **Section 23.4** – Clarified language such that per diems may be adjusted or reduced to account for meals that are included in the cost of a training or conference.

BLUE ASH CITY COUNCIL

January 22, 2009

Page 5

- **Section 25.4** – Language was added to clarify that the City will continue to administer vacation pay, retirement, or other payments and payouts consistent with current practice.
- **Section 26.8**
 - The number of sick leave hours an employee may receive in donation from other staff was reduced from 2080 to 1385, making this provision consistent with the Blue Ash Code of Ordinances.
 - The provision regarding physicals was removed as it is not applicable to the requirements of the job for Dispatchers.
 - Language was added to the section regarding personal days such that if a Dispatcher does not use sick leave for 365 consecutive days, they will be eligible for an additional personal day. Personal days must be used within one year of accrual and cannot be converted to pay.
- **Section 29.2** – Granted an additional day of leave for official union business increasing the total number of union leave days from 3 work days to 4 work days.

Code Changes

Sections 133.18 -2 (g) as well as 131.07-2 (g) and 131.07-1, have been amended to reflect the change in wages for the three year term of the contract.

Please address questions regarding this ordinance to the Treasurer.”

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Ordinance No. 2009-11 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-11

AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. (DISPATCHERS BARGAINING UNIT); AMENDING SEC. 131.07-1 AND 131.07- 2(g) OF CHAPTER 131 OF THE BLUE ASH CODE OF ORDINANCES; AMENDING SEC. 133.18-2(g) OF CHAPTER 133 OF THE BLUE ASH CODE OF ORDINANCES; 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 Stacey seconded to adopt Ordinance No. 2009-11. 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. 2009-11 passed.

MISCELLANEOUS BUSINESS

City Manager David Waltz commented on an E-mail sent regarding a recent meeting he had with Cincinnati Administration regarding the Airport. At that meeting, discussion was had regarding the potential of a multi-year FAA funding possibility – working towards reconfiguration of the Airport. Mr. Waltz informed the Cincinnati Administration at that meeting that he would discuss this possibility with Council. No Council member expressed objection to the idea of being flexible in working with Cincinnati and the FAA during a transition period, and Council members confirmed that they would be comfortable in working with Cincinnati and the FAA towards airport configuration with a short, multi-year funding process (however, not a long multi-year approach).

BLUE ASH CITY COUNCIL

January 22, 2009

Page 6

Councilman Bryan asked if the City would consider making one more pickup of leaves and brush throughout the residential areas as he has noticed some citizens have placed such items at the curb over the warmer weeks of this winter season.

Councilman Bryan suggested that the City make an effort to educate citizens about their property tax bills and to explain where their property tax monies are directed.

EXECUTIVE SESSION

After all items on the agenda were acted upon, Councilman Stacey moved, Vice Mayor Weber seconded to convene an Executive Session to discuss matters pertaining to personnel (Charter Revision Committee vacancy). The Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, Sumner, and Mayor Buckman voted yes. Seven yeses. Motion carried.

After the matter pertaining to personnel was discussed, Councilman Sumner moved, Councilman Stacey 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, Councilman Sumner moved, Councilman Stacey seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 7:22 PM.

Robert J. Buckman, Jr., Mayor

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council