

BLUE ASH CITY COUNCIL

December 10, 2009

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on December 10, 2009. Mayor Mark F. Weber called the meeting to order in Council Chambers at 7:00 PM.

OPENING CEREMONIES

Mayor Weber led those assembled in the Pledge of Allegiance.

ROLL CALL

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

ALSO PRESENT: City Manager David Waltz, 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, Fire Chief Rick Brown, Assistant to the City Manager Kelly Osler, and interested citizens

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

ACCEPTANCE OF AGENDA

Councilwoman Stoller moved, Councilman Bryan 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. 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 November 12, 2009
- b. Swearing-In Ceremonies of December 1, 2009

7. COMMUNICATIONS

- a. Communications to Council - Clerk of Council Jamie K. Eifert
- b. Reports From Outside Agencies
- c. Mayor's Report – November 2009 – Honorable Mark F. Weber
- d. Financial Report – Motion to accept the reports for October and November 2009

8. HEARINGS FROM CITIZENS

9. COMMITTEE REPORTS

- a. Finance & Administration Committee, Rick Bryan, Chairperson
 - 1. Ordinance No. 2009-70, transferring funds
 - 2. Ordinance No. 2009-71, awarding bid for purchase and installation of a generator for the Municipal & Safety Center/south fire station
 - 3. Ordinance No. 2009-72, adopting the year 2010 Interim Proposed Budget
 - 4. Ordinance No. 2009-69, adopting the Year 2010 pay plan and related amendments
 - 5. Ordinance No. 2009-73, authorizing professional engineering service rates for 2010
 - 6. Ordinance No. 2009-74, creating two new accounting funds (downtown improvement fund and Plainfield Road bikepath construction fund)
- b. Parks & Recreation Committee, Robert J. Buckman, Jr., Chairperson
 - 1. Ordinance No. 2009-75, authorizing a framework for the administration of recreational events in 2010
 - 2. Resolution No. 2009-15, updating Recreation Center fee rates for 2010

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- c. Public Works Committee, Thomas C. Adamec, Chairperson
 - 1. Ordinance No. 2009-76, authorizing payment for purchase of parts, maintenance, upgrades, and repair of traffic signals throughout 2009
- d. Planning & Zoning Committee, James W. Sumner, Chairperson
 - 1. Ordinance No. 2009-77, authorizing contract for professional electrical inspection services for 2010
- e. Public Safety Committee, Stephanie Stoller, Chairperson
 - 1. Resolution No. 2009-16, electing members to the Volunteer Fire Fighters' Dependents Fund Board

10. MISCELLANEOUS BUSINESS

11. EXECUTIVE SESSION – Property Acquisition

12. ADJOURNMENT”

APPROVAL OF MINUTES

Councilman Buckman moved, Councilman Sumner seconded to approve the minutes of the regular meeting of November 12, 2009. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Sumner moved, Vice Mayor Czerwonka seconded to approve the minutes of the Council swearing-in ceremonies of December 1, 2009. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

There were no communications to Council presented at the meeting.

Reports From Outside Agencies

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

Mayor's Report – November 2009

RECEIPTS:

Fines	\$ 12,160.00
Vendor Permits	\$0
Bonds & BMV fees carried over	\$300.00
Bonds collected	\$ 150.00
TOTAL RECEIPTS:.....	\$12,610.00

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$7,470.00
To the State of OH:	
Victims of Crime	954.00
General Rev Fund.....	\$2,095.00
Indigent Defense Support fund.....	\$510.50
Drug Law Enforcement Fund	\$346.63
Justice Program Service Fund	\$10.72
Indigent Driver's Alcohol Treat't Fund	\$153.15
Seat Belts	\$650.00
Refund of overpaid fines.....	\$20.00
Bond Money applied	\$385.00
Bond Money returned	\$ 15.00
BMV	\$0
TOTAL DISBURSEMENTS	\$12,610.00

BALANCE IN BONDS:.....	\$ 0
Mayor's Court traffic citations	129
Mayor's Court criminal citations.....	27
Total Mayor's Court cases	156
Nov. revenues from Mayor's Ct. Cases:.....	\$ 7,470.00

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Financial Reports – October & November 2009

Councilman Sumner moved, Councilman Buckman seconded to accept the Financial Reports for October and November 2009 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, 2009

MONTH TO DATE	2008	2009
START OF MONTH FUND BALANCE: 10-1-09	\$27,878,469.58	\$23,306,932.40
Revenues:		
Earnings Tax Collections:	2,530,005.72	2,049,961.83
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	1,191,500.46	487,178.59
= Total Monthly Receipts	3,721,506.18	2,537,140.42
Expenditures:		
Bond Retirement	2,830,000.00	3,545,000.00
Short term debt refinancing	0	0
Other Expenditures:	3,280,071.05	2,654,819.14
= Total Monthly Expenditures:	-6,110,071.05	-6,199,819.14
END OF MONTH FUND BALANCE: 10-31-09	25,489,904.71	19,644,253.68
YEAR TO DATE	2008	2009
START OF MONTH FUND BALANCE: 10-1-09	24,395,221.48	21,919,948.20
Revenues:		
Earnings Tax Collections:	25,575,827.49	24,232,983.43
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	11,831,413.91	11,019,747.43
= Total YTD Receipts	37,407,241.40	35,252,730.86
Expenditures:		
Bond Retirement	3,830,000.00	4,545,000.00
Short term debt refinancing	0	0
Other Expenditures:	32,482,558.17	32,983,425.38
= Total YTD Expenditures:	-36,312,558.17	-37,528,425.38
YEAR-TO-DATE FUND BALANCE:	\$25,489,904.71	19,644,253.68

100% of the fund balance was invested as of 10/31/09. Interest paid to date on matured investments: \$80,225.09. Receipt and expenditure figures do not include interfund transfers.

BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING OCT. 31, 2009

MONTH-TO-DATE STATUS	2008	2009
Business Net Profit	472,490.15	171,158.09
Resident Net Profit	137,212.88	108,860.87
Non-Resident Net Profit	30,770.19	21,646.27
Subcontractor Net Profit	2,975.09	3,862.08
Net Profit Total	643,448.31	305,527.31
Withholding	1,823,997.40	1,698,567.56
Subcontractor Withholding	62,560.01	45,866.95
Withholding Total	1,886,557.41	1,744,434.52
Monthly Collection Totals	2,530,005.72	2,049,961.83 (-18.97%)
YEAR TO DATE STATUS		
Business Net Profit	4,615,271.14	4,105,712.99
Resident Net Profit	952,346.56	918,234.08
Non-Resident Net Profit	252,667.23	227,050.00
Subcontractor Net Profit	60,150.96	42,659.11
Net Profit Total	5,880,435.89	5,293,656.18
Withholding	19,267,425.98	18,602,143.25
Subcontractor Withholding	427,965.62	337,184.00
Withholding Total	19,695,391.60	18,939,327.25
YTD Collection Totals	25,575,827.49	24,232,983.43 (-5.25%)
YTD Refund Totals	883,003.64	1,104,730.98 (25.11%)

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CITY OF BLUE ASH FINANCIAL POSITION STATEMENT- MONTH ENDING NOVEMBER 30, 2009

MONTH TO DATE	2008	2009
START OF MONTH FUND BALANCE: 11-1-09	\$25,489,904.71	\$19,644,253.68
Revenues:		
Earnings Tax Collections:	2,264,001.18	2,156,238.39
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	899,855.10	1,046,252.65
= Total Monthly Receipts	3,163,856.28	3,202,491.04
Expenditures:		
Bond Retirement	100,000.00	100,000.00
Short term debt refinancing	0	0
Other Expenditures:	5,055,802.69	3,070,614.43
= Total Monthly Expenditures:	-5,155,802.69	-3,170,614.43
END OF MONTH FUND BALANCE: 9-30-09	23,497,958.30	19,676,130.29
YEAR TO DATE	2008	2009
START OF MONTH FUND BALANCE: 11-1-09	24,395,221.48	21,919,948.20
Revenues:		
Earnings Tax Collections:	27,839,828.67	26,389,221.82
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	12,731,269.01	12,066,000.08
= Total YTD Receipts	40,571,097.68	38,455,221.90
Expenditures:		
Bond Retirement	3,930,000.00	4,645,000.00
Short term debt refinancing	0	0
Other Expenditures:	37,538,360.86	36,054,039.81
= Total YTD Expenditures:	-41,468,360.86	-40,699,039.81
YEAR-TO-DATE FUND BALANCE:	23,497,958.30	19,676,130.29

100% of the fund balance was invested as of 11/30/09. Interest paid to date on matured investments: \$83,380.60 and expenditure figures do not include interfund transfers.

BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING NOV. 30, 2009

MONTH-TO-DATE STATUS	2008	2009
Business Net Profit	38,814.93	52,792.73
Resident Net Profit	38,855.23	45,643.40
Non-Resident Net Profit	11,378.84	7,120.13
Subcontractor Net Profit	7,240.29	820.00
Net Profit Total	96,289.29	106,376.26
Withholding	2,115,865.43	2,000,930.93
Subcontractor Withholding	51,846.46	48,931.20
Withholding Total	2,167,711.89	2,049,862.13
Monthly Collection Totals	2,264,001.18	2,156,238.39 (-4.76%)
YEAR TO DATE STATUS	2008	2009
Business Net Profit	4,654,086.07	4,158,505.72
Resident Net Profit	991,201.79	963,877.48
Non-Resident Net Profit	264,046.07	234,170.13
Subcontractor Net Profit	67,391.25	43,479.11
Net Profit Total	5,976,725.18	5,400,032.44
Withholding	\$21,383,291.41	20,603,074.18
Subcontractor Withholding	479,812.08	386,115.20
Withholding Total	21,863,103.49	20,989,189.38
YTD Collection Totals	27,839,828.67	26,389,221.82 (-5.21%)
YTD Refund Totals	883,003.64	1,344,126.40 (52.22%)

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HEARINGS FROM CITIZENS

Peter Nord of Kenridge Drive commented that he would like to donate an item to the City that he created – he presented a picture which includes a collage of beautiful Kenridge area photos which Dr. Nord took. Mayor Weber graciously accepted the collage, and all Council members thanked Dr. Nord for his gift.

There being no others who wished to address Council, Hearings from Citizens was closed at approximately 7:05PM.

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 December 10 Council agenda:

9.a.1. Ordinance No. 2009-70 - Transferring funds

The final transfer ordinance for 2009 is relatively simple, as the attachment reveals. Only two issues need to be addressed, indicating that the remainder of the City’s revenue and expenditure appropriations are aligned for moving through the remainder of the year.

The first item (\$9,730) involves appropriating a portion of the revenue received by the Fire Department from the sale of their old SCBA units several months ago. As Council may recall, the Fire Department bid, and purchased, replacement SCBA equipment earlier this year, and were able to locate a purchaser for the older equipment, creating revenue in excess of \$18,000. The appropriation of part of this revenue, as shown on the attachment, is offset through an additional expenditure appropriation in their uniform account, allowing the purchase of supplemental turnout gear before the end of the year.

The second issue involves Fund No. 281, which is the special restricted fund maintained by the City as the “administrating agency” for the OVI (operating a vehicle while impaired) grant. Because the funding source for this grant operates on an October to September year, not a calendar year like the City, it is necessary to periodically modify the appropriations to reflect a fund that balances as we near the end of our year. The OVI Grant Fund No. 281 does not utilize any supplemental funding from the City of Blue Ash, as we serve as a “clearinghouse” for the grant funding and reimbursement to the participating entities.

Please direct questions regarding the transfer to the Treasurer.

9.a.2. Ordinance No. 2009-71 - Awarding bid for purchase and installation of a generator for the Municipal & Safety Center/south fire station

Bids were recently solicited for purchase of a quality generator to back up not only the Municipal & Safety Center, but the south Fire station as well. Bids were opened on November 17, and proposals were received from five bidders.

After close review of all bids and potential units, the recommendation is being made to purchase the larger Kohler 350kW unit from Volpenhein Brothers Electric for an amount of \$118,705. This amount includes \$109,145 for the base 300kW unit bid, an additional \$5,560 to upgrade to the larger 350kW unit, and an additional \$4,000 to address potential field changes due to potential conflicts with existing panels.

During the evaluation process, it was determined that the relatively small incremental cost for the larger unit would offer a beneficial margin of capacity and provide for the possibility of a future increase in building load. The recommendation is also being made to purchase the Kohler unit (vs. the Caterpillar unit bid) since this will provide uniformity with other generator units in the City, thereby facilitating efforts with maintenance, parts, etc. (the generator units at both the Recreation Center and North Firehouse are Kohler units).

Please direct questions regarding this ordinance to the Treasurer.

9.a.3. Ordinance No. 2009-72 - Adopting the year 2010 Interim Proposed Budget

At the December 8th Council Budget Study Session, Council will review the Interim 2010 Proposed Budget as presented by the City Manager.

This document and the ordinance and attachments related to it reflect the entirety of the revenues expected to be available to the City during 2010 (including estimated beginning fund balances) and all anticipated expenditures for operations and capital (net of all transfers, reserves, and advances). Favorable consideration of Ordinance No. 2009-72 will permit the City to operate on an interim appropriations ordinance basis until the Final Budget is prepared for consideration perhaps as early as a January Council meeting, or as late as the second meeting in March. The Proposed Budget’s revenues and expenditures will be adjusted for actual year-end fund balances and encumbrances, and for any other modifications that become necessary as a result of new information, recommendations as to projects or cost-savings measures by the Administration and Council, or shifts in the economy that have arisen since the Proposed Budget was prepared.

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The utilization of an interim appropriations ordinance provides time for the City Administration and Council to assess current economic conditions and to provide for necessary adjustments that will be reflected in the Final Budget. Although the City of Blue Ash has fared better than most local governmental entities during the current economic downturn, the City is not immune to the realities which are facing families, businesses, charitable organizations, and governmental units alike. Providing some time between the interim appropriations ordinance (which allows the City to move forward with routine operations), permits the City Council and Administration to assess conditions, remain flexible as the economic conditions stabilize and improve, and make certain that the budgetary allocations in the Final Budget reflect the provision of not only the City's core services, but a continuation of a level of services that Blue Ash residential and business citizens deserve and come to expect.

As presented, the Proposed Budget is balanced, and reflects expected General Fund reserves at the end of 2010 of \$11,420,567, consisting of the General Reserve representing about 10% of the earnings tax collections, with the remainder related to Issue 15. In advance of the submission of the Final Budget, it is anticipated that additional resources will be available at the end of 2010 in addition to those reserve balances.

As the Final Budget comes together, City Council will be updated as to recommended adjustments to the Proposed Budget. Please address questions regarding this ordinance to the City Manager or Treasurer.

9.a.4. Ordinance No. 2009-69 - Adopting the Year 2010 pay plan and related amendments

Ordinance No. 2009-69 addresses the annual cost of living adjustment for the pay plan, as well as related issues affecting Chapters 131 and 133 of the Code. The recommended changes are brief this year and include a recommended cost of living adjustment of 0%, a note regarding administration of the payplan during a 27 pay-period cycle, and an amendment of section 133.12 of the Code of Ordinances regarding personal leave.

At their meeting on December 2, 2009 the Civil Service Commission reviewed the proposed amendment to the pay plan regarding a cost of living adjustment of 0%. Upon careful assessment and evaluation of the proposed 0% increase, the Commission has recommended the proposed increase for adoption by City Council.

- The first recommendation affects Section 131.07-1 and provides for annual changes to the City's pay plan and related code sections. The annual cost of living adjustment as proposed by the Administration is 0% for full-time and part-time non-bargaining unit employees. Given the economic climate it seems judicious to consider a wage freeze at this time. Of the City's bargaining units, AFSCME and FOP Sergeants are currently in negotiations and agreements on wages for 2010 have not yet been reached. Firefighters and Fire Lieutenants are anticipating a 2.5% increase for 2010, while Dispatchers were granted a 2.8% by a factfinder and BAPOBA Patrol Officers are scheduled for a 3.25% increase.
- The second recommendation affects Section 133.12 of the Blue Ash Code of Ordinances in regards to Personal Leave. It is a proposal which would allow the City Manager to grant up to 16 hours of Personal Leave to each full-time non-bargaining unit employee during a payplan year in which employees would not receive a cost of living increase. Personal Leave will not be mandatory leave time, however if employees do want to take advantage of the leave, it will have to be coordinated with their supervisor, be taken in the payplan year in which it is granted, it may not result in overtime for the department, and may not be eligible for payout. Language has been included for the potential inclusion of certain qualifying part-time based on further review.
- The final amendment is related to the 27 pay-period cycle that the City will be in for the 2010 payplan year. This cycle of one additional pay period during the payplan year occurs once every 11 years. A note was made to the effect that the payplan wage schedules may be extended due solely to a 27 pay-period cycle, during the years in which it occurs.

Please direct questions regarding this ordinance to the City Manager.

9.a.5. Ordinance No. 2009-73 - Authorizing professional engineering service rates for 2010

In late 2007, Council approved a five-year contract with the City's long-standing engineering firm, Blue Ash based CDS Associates, for general engineering services. The contract requires annual review and approval of the fee schedule for each calendar year. The attached 2010 fee schedule for engineering services has been reviewed by the Administration, and approval has been recommended to City Council. The fees remain unchanged from 2009 levels.

Please direct questions regarding this ordinance to the City Manager.

9.a.6. Ordinance No. 2009-74 - Creating two new accounting funds (downtown improvement fund and Plainfield Road bikepath construction fund)

Given the potential for activity in 2010 and 2011 on two projects involving grant monies, downtown streetscaping improvements and the Plainfield Road bikepath construction project, the need exists to establish separate accounting funds to track revenues and expenses associated with these projects. Fund Nos. 442 and 443 have been assigned to the downtown and Plainfield bikepath projects respectively. More information regarding these projects will be forwarded to Council in the future.

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Please direct questions regarding this ordinance to the Treasurer.

9.b.1. Ordinance No. 2009-75 - Authorizing a framework for the administration of recreational events in 2010

At a late 2003 Council meeting, Parks & Recreation Director Chuck Funk presented to Council a proposed change in the way the City and the Parks & Recreation Department plans, organizes, and financially administers the City's major special events. He recommended that all such events be organized and administered through the City of Blue Ash, including the utilization of the City's Finance Division for all receipting of revenues, for the tracking of contracts, and for recording expenditures for each event.

This new framework was utilized beginning with the 2004 through 2009 seasons with significant success, and the City Manager, Parks & Recreation Director, and Treasurer are recommending this practice be continued in 2010. Ordinance No. 2009-75 acknowledges and confirms that the City's major special events, including SummerBration, the Fourth of July (Red, White & Blue Ash), Taste of Blue Ash, and Heritage Day, are City events, and thus should be fully planned, organized, and administered by the City Manager through the Parks & Recreation Department.

Beginning in the 2004 event season, no sponsors or other groups or agencies were utilized for contractual, financial, operational, or decision making purposes. All event revenues, irrespective of source, were and will be deposited within an event-specific revenue account established within the City's accounting structure. All expenditures relating to each event will continue to be made through the City's Finance Division, and will be tracked utilizing an event-specific expenditure account as well. It is clear that the utilization of the City's financial and accounting systems, as well as the related annual review by the State Auditor's office, has improved accountability and reportability regarding these events.

As these efforts centralize event responsibility within the City Administration, the ordinance seeks Council's authorization for the Administration to execute and administer contracts of all types and amounts affecting these events. It is recommended that all contracts in excess of \$10,000 be signed by both the Parks & Recreation Director and the City Manager, while contracts of a lesser amount may be signed by the Parks & Recreation Director under a written designation of authority from the City Manager.

There are many types of services or contracts that are necessary for the successful presentation of these larger events. Examples would include professional sound, back-line, and lighting services; promotional services; event power services; pyrotechnical (fireworks) displays; entertainment coordination services; audio-visual services; multi-media services; equipment rental and concession/beverage arrangements; clean-up; and site security. Others would include restaurant participation, event performer agreements, agent contracts, staging services, housing and transportation arrangements, printing, and others. The ordinance seeks authorization for the City Manager and a specified designee to be able to enter into these contracts, and for the City to move forward with the managerial and financial administration of those contracts utilizing the City's staff and financial reporting capabilities.

In 2010, the Parks & Recreation Director will be performing (in house) all entertainment coordination services for all national level acts offered at events in 2010. Council may recall that in 2009 this was done for selected events, but not all. The process worked well and therefore will be expanded in 2010.

Where appropriate, informal quotations will be requested from providers to secure the best price, terms, and service for the event and for the City. An example of this process was the solicitation of proposals for a two-year agreement (plus a two year extension at the City's option) for concessionaire services for the three major special events. This concessionaire's bid began with 2007 services, and the City intends to utilize the successful, and only, bidder, Cincinnati Concessions, again since event organizers remain very satisfied with their services. No contractual categories are expected to be formally bid for these special events. It is expected that the Parks & Recreation Department will continue to rely upon, and involve, citizen input groups and support, such as the Special Events Committee and Recreation Board, in the administration of these events. The Parks & Recreation Director for the larger activities may appoint steering committees or subcommittees as well.

The City Manager and the Parks & Recreation Director anticipate that a report on the City's 2009 events will be included in the City Manager's 2009 annual report to Council early in the year. The Administration was pleased with this framework throughout the past four years as it offered greater coordination, better controls, more accurate financial reporting, and greater awareness than in past years, especially for the Taste of Blue Ash formerly overseen via alternative arrangements.

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

9.b.2. Resolution No. 2009-15 - Updating Recreation Center fee rates for 2010

Given the opening of the new Recreation Center and addition of various programs available, the need exists to revise and update the fee rate schedule. The proposed changes are summarized below:

- The Facilities Rental portion was clarified to match the current conference and other space available at the newly renovated Center, including an updating of seating capacity, etc.
- The minimum fee for 5K/10K runs and walks was changed from \$1,000 to \$500.
- Fees for the new climbing wall were added.

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Note that there are no changes proposed for golf rates. Please direct questions regarding this resolution to the Parks & Recreation Director.

9.c.1. Ordinance No. 2009-76 - Authorizing payment for purchase of parts, maintenance, upgrades, and repair of traffic signals throughout 2009

Ordinance No. 2009-76 authorizes payment for routine purchase of parts, maintenance, upgrades, and repair of traffic signals provided throughout 2009 with Capital Electric Line Builders for an amount not to exceed \$125,000. The City has a favorable long-term relationship with this vendor, formerly known as Wager-Smith, for these types of services, and these items were included within the 2009 Final Budget. The items include routine maintenance and parts, as well as the upgrades (to LED lights) made throughout the year and the addition of uninterruptable power backup systems (UPS) at main intersections.

9.d.1. Ordinance No. 2009-77 - Authorizing contract for professional electrical inspection services for 2010

Ordinance No. 2009-77 authorizes a one-year contract with Inspection Bureau, Inc. (IBI) for professional electrical inspections, including plan reviews, for 2010. The rates for 2010 would be based upon IBI's standard governmental schedule, and fees are paid by those contractors or builders requiring inspections.

While we have been considering contracting with NIC as an alternate provider for code enforcement services, we were not in a position at this time to recommend such a change. However, the City's options will continue to be evaluated and consideration of a change may be presented to Council in the future.

Please address questions regarding this ordinance to the Assistant Community Development Director (745-8528, or djohnson@blueash.com) or to the City Manager.

9.e.1. Resolution No. 2009-16 - Electing members to the Volunteer Fire Fighters' Dependents Fund Board

This resolution is presented each year to City Council for approving the continuation of a State-required Volunteer Fire Fighters' Dependents Fund Board. The resolution selects the Councilperson designated as the chairperson of the Public Safety Committee and the City Manager to serve on this Board, as well as two other members nominated by the Fire Department. Resolution No. 2009-16 provides appointees to the Board for calendar year 2010. This fund, administered through the State of Ohio, provides the surviving spouse or dependents of a part-time/volunteer firefighter killed while discharging the duties of a firefighter, or who dies from exposure or injury received in the discharge of duty, monetary benefits to supplement the Ohio Public Employees Retirement System (OPERS). (Only full-time firefighters can belong to the Ohio Police & Fire Pension system.) Therefore, in order to comply with State regulations, approval of this resolution is recommended.

Please direct questions regarding this resolution to the Fire Chief or Treasurer."

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Ordinance No. 2009-70 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-70

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS
WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2009-3 FOR
THE YEAR 2009 (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, Buckman, Czerwonka, Councilman Adamec, Councilman Bryan, and Mayor Weber voted yes. Seven yeases. Motion carried.

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2009-70. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2009-70 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-71 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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ORDINANCE NO. 2009-71

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE AND INSTALLATION OF A BACKUP GENERATOR FOR THE MUNICIPAL & SAFETY CENTER AND SOUTH FIREHOUSE FOR AN AMOUNT NOT TO EXCEED \$118,705; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Adamec seconded to adopt Ordinance No. 2009-71. In addressing a question from Councilman Bryan, Fire Chief Rick Brown noted that the generator is intended to service the Municipal & Safety Center and the south fire station. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2009-71 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-72 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-72

AN ORDINANCE MAKING INTERIM APPROPRIATIONS FOR REVENUES AND EXPENSES OF THE CITY OF BLUE ASH, OHIO, FOR THE FISCAL YEAR OF 2010; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2009-72. Councilman Bryan noted that this ordinance addresses discussion held at Tuesday's Council Budget Study Session. There being no further discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Buckman, Czerwonka, Adamec, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2009-72 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-69 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-69

AMENDING PORTIONS OF CHAPTERS 131 AND 133 OF THE BLUE ASH CODE OF ORDINANCES INCLUDING SECTIONS 131.07-1, 131.07-2(a), 133.18-1, AND 133.18-2(a); AND ENACTING SECTION 133.12; 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, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Seven yeases. Motion carried.

Councilman Bryan moved, Councilman Adamec seconded to adopt Ordinance No. 2009-69. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2009-69 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-73 by title only.

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THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-73

AUTHORIZING GENERAL ENGINEERING, ARCHITECTURAL
AND RELATED SERVICE RATES FOR 2010/2011 WITH CDS
ASSOCIATES, INC.; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2009-73. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2009-73 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-74 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-74

ESTABLISHING TWO ADDITIONAL CAPITAL IMPROVEMENT FUNDS:
DOWNTOWN IMPROVEMENT FUND (NUMBER 442) AND PLAINFIELD
ROAD BIKEPATH CONSTRUCTION FUND (NUMBER 443); AND
DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Adamec seconded to adopt Ordinance No. 2009-74. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Buckman, Czerwonka, Adamec, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2009-74 passed.

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

Councilman Buckman asked the Clerk to read Ordinance No. 2009-75 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-75

ESTABLISHING A FRAMEWORK FOR THE PRODUCTION AND
ADMINISTRATION OF MAJOR SPECIAL EVENTS COORDINATED BY
THE PARKS & RECREATION DEPARTMENT; AUTHORIZING THE CITY
MANAGER, AND A SPECIFIC DESIGNEE, TO ENTER INTO A RANGE OF
CONTRACTS ENABLING THE PRESENTATION OF MAJOR SPECIAL
EVENTS WITHIN BLUE ASH FOR 2010; AND DECLARING AN
EMERGENCY

Councilman Buckman 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, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Seven yeases. Motion carried.

Councilman Buckman moved, Councilman Sumner seconded to adopt Ordinance No. 2009-75. In addressing a question from Councilman Sumner, Parks & Recreation Director Chuck Funk confirmed that the Administration has presented this type of ordinance since the Taste of Blue Ash Inc. was dissolved in 2004. Since that time, administration of that event was

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transferred to the Parks & Recreation Department which was already responsible for coordination of all other City events. He noted that much of the work associated with a special event begins the year previous, such as recruitment of national entertainment, selection of the concessionaire, etc. After some discussion, it was determined that unless there is a change in the administrative framework for the major special events, that presentation of this ordinance on an annual basis is not necessary. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeses. Ordinance No. 2009-75 passed.

Councilman Buckman asked the Clerk to read Resolution No. 2009-15 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2009-15

ESTABLISHING FEES FOR THE USAGE OF
RECREATIONAL FACILITIES AND EQUIPMENT OF THE
CITY OF BLUE ASH, OHIO

Councilman Buckman moved, Councilman Bryan seconded to adopt Resolution No. 2009-15. There being no discussion, the Clerk called the roll. Councilpersons Buckman, Czerwonka, Adamec, Bryan, Stoller, Sumner, and Mayor Weber voted yes. Seven yeses. Resolution No. 2009-15 passed.

Public Works Committee, Thomas C. Adamec, Chairperson

Councilman Adamec asked the Clerk to read Ordinance No. 2009-76 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-76

AUTHORIZING THE CITY MANAGER TO MAKE PAYMENT FOR
TRAFFIC SIGNAL PARTS, REPAIR SERVICES, AND UPGRADES
THROUGHOUT 2009 FOR AN AMOUNT NOT TO EXCEED \$125,000;
AND DECLARING AN EMERGENCY

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

Councilman Adamec moved, Councilman Buckman seconded to adopt Ordinance No. 2009-76. In addressing a question from Mayor Weber, Treasurer Jim Pfeffer explained that this ordinance covers routine expenses associated with traffic signals that occur throughout the year (2009), with such expenses including maintenance, repairs, and upgrades. Mr. Waltz added that this ordinance/expense does not include the downtown signal upgrade project (those upgrades planned to begin in 2010). There being no further discussion, the Clerk called the roll. Councilpersons Adamec, Bryan, Stoller, Sumner, Buckman, Czerwonka, and Mayor Weber voted yes. Seven yeses. Ordinance No. 2009-76 passed.

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2009-77 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-77

AUTHORIZING THE CITY MANAGER TO RENEW AND ENTER INTO
AN AGREEMENT FOR PROFESSIONAL ELECTRICAL INSPECTION
SERVICES IN 2010 WITH INSPECTION BUREAU, INC.; AND
DECLARING AN EMERGENCY

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

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Ordinance No. 2009-77. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2009-77 passed.

Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk to read Resolution No. 2009-16 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2009-16

ELECTING STEPHANIE STOLLER AND DAVID M. WALTZ TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND BOARD AND ACKNOWLEDGING THE ELECTION OF RICK BROWN AND EDWARD HAMILTON TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND BOARD FOR THE TERM EXPIRING JANUARY 1, 2011

Councilwoman Stoller moved, Councilman Czerwonka seconded to adopt Resolution No. 2009-16. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeases. Resolution No. 2009-16 passed.

MISCELLANEOUS BUSINESS

Public Information Officer/Deputy Clerk Sue Bennett wished everyone happy holidays.

City Manager David Waltz reintroduced Architect Dick Thomas with Steed Hammond Paul. Mr. Thomas gave a brief PowerPoint presentation providing an update on the Golf Course Clubhouse project, with highlights summarized below:

- Mr. Thomas clarified that the purpose of tonight's presentation is only to provide an update of the design phase – no formal approval is being sought.
- During the last presentation, it appeared that Council favored many aspects of the appearance of the "formal" style clubhouse on the outside; however, asked that some elements featured with the "informal" style also be incorporated into the drawing.
- There has been no change in the overall site layout or on the internal floor plans of the clubhouse.
- The slide showing the previously "traditional/formal" style was shown, along with a revised drawing showing the proposed change to the building. The proposed change includes more glass, especially near the second entrance, and a more dramatic opening up of the main entrance.
- The overall style of the clubhouse can be described as "business casual."
- Fieldstone has been incorporated along the base of the building (front and back).
- There has also been more glass added to the back side of the building, along with a continuation of the building's character carried over from the front (such as the fieldstone along the base of the building).
- There is no change in the project timeline proposed. They hope for the City to be able to move forward in 2010 to take advantage of the competitiveness and favorable pricing available in today's construction market.

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- The overall project construction estimate (clubhouse only) remains at \$6.7 million to \$7.2 million. Mr. Waltz clarified that this estimate covers only the clubhouse construction. It does not include estimates for additional course-related work recommended – such as the irrigation improvements and cart path improvements. Overall, if the project is to begin this year, the Administration recommends including these two elements to minimize overall disruption and construction time at the course – i.e., get it done all at once.
- Two revised 3-D models were on display.

Mr. Waltz commented that although the final decision to move forward with this project has not yet been made, the Administration does recommend that the team continue finalizing the design portion of the clubhouse. If the decision is made later to move forward with construction, then the team will be ready to go. Finishing this phase will also provide more defined overall cost estimates for the project and will clarify funding decisions.

In addressing a question from Councilman Buckman, Mr. Thomas noted that the building height in the front is about 22 feet (i.e., two stories tall). Because of the grade of the land, the height in the back of the clubhouse covers three levels.

Councilman Sumner asked why LEED certification was not being pursued. Mr. Waltz commented that at the last Council presentation (which Councilman Sumner was not able to attend), it was Council's direction that keeping costs contained is a priority; however, making "green" decisions would also be important (though not necessarily to complete the full LEED certification process, which is extremely costly). Mr. Thomas explained further that the LEED certification process is extremely time-consuming (especially from a staff time standpoint), and that additional staff time cost alone could range from \$50,000 to \$125,000. He explained that while LEED certification would not be pursued, the building would be designed to LEED standards.

Councilman Sumner noted previous drawings that included design features similar to the Recreation Center and Firehouse (such as the "tower" features incorporated in both existing buildings). Mayor Weber commented that past Council discussion revealed that members did not favor those designs, and added that the designs presented tonight seem much closer to the style desired. In addressing a question from Councilman Sumner, Mr. Waltz added that the Administration's recommendation is to present the clubhouse design to the public to gain additional input and comment through open houses and possibly other public format.

Mr. Waltz wished everyone a happy holiday (as did all Council members).

Councilman Jim Sumner commented that he would like to offer a clarification to a statement he made at the Budget Study Session earlier this week. He was informed by a neighbor that police response time to a home invasion robbery occurring at that neighbor's home was ten minutes. Councilman Sumner has since talked with the Police Department, and they have confirmed that the actual response time was four minutes. Councilman Sumner commented favorably on this actual response time and offered his compliments to the Police Department for their service.

Vice Mayor Lee Czerwonka complimented Public Information Officer Sue Bennett on the 2010 Community Calendar.

EXECUTIVE SESSION

After all items on the agenda were acted upon, Councilman Sumner moved, Councilman Buckman seconded to convene an Executive Session to discuss matters pertaining to property acquisition. The Clerk called the roll. Councilpersons Buckman, Czerwonka, Adamec, Bryan, Stoller, Sumner, and Mayor Weber voted yes. Seven yeses. Motion carried.

After matters pertaining to property acquisition were discussed, Councilman Buckman moved, Councilman Adamec seconded to convene to the regular meeting. A voice vote was taken. All Council members voted yes. Motion carried.

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ADJOURNMENT

All items on the agenda having been acted upon, Councilman Bryan moved, Vice Mayor Czerwonka seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:22 PM.

Mark F. Weber, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council