

BLUE ASH CITY COUNCIL

May 13, 2010

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on May 13, 2010. 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 Robert Buckman, Vice Mayor Lee Czerwonka, Councilwoman Stephanie Stoller, Councilman James Sumner, and Mayor Mark Weber

MEMBER ABSENT: Councilman Rick Bryan

Councilman Buckman moved, Councilman Sumner seconded to excuse Councilman Bryan from the meeting. A voice vote was taken. All members voted yes. Motion carried.

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, Public Works Director Mike Duncan, Community Development Program Administrator Rich Dole, and interested citizens

Mayor Weber appointed Parks & Recreation Director Chuck Funk to read the legislation (ordinances) in their entirety in the rear of Council Chambers.

**ACCEPTANCE OF AGENDA**

Councilwoman Stoller moved, Councilman Adamec 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 April 8, 2010

7. COMMUNICATIONS

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

b. Reports From Outside Agencies

c. Mayor's Report – March 2010 – Honorable Mark F. Weber

d. Financial Report – Motion to accept the report for March 2010

e. Proclamation – Public Works Week, May 16-22, 2010 – Honorable Mark F. Weber

8. HEARINGS FROM CITIZENS

9. COMMITTEE REPORTS

a. Finance & Administration Committee, Rick Bryan, Chairperson

1. Ordinance No. 2010-24, authorizing purchase of professional computer related services and materials in 2010

2. Motion setting 7PM, Thursday, July 8, 2010 as public hearing for consideration of the 2011 Tax Budget

b. Public Works Committee, Thomas C. Adamec, Chairperson

1. Ordinance No. 2010-20, authorizing agreement with Hamilton County regarding the Cooper Road rehabilitation project (east of Kenwood Road)

2. Resolution No. 2010-2, authorizing participation in ODOT cooperative purchasing program

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- c. Planning & Zoning Committee, James W. Sumner, Chairperson
  - 1. Ordinance No. 2010-21, amending various sections of the Code of Ordinance related to property maintenance issues (First Reading)
  - 2. Motion setting a hearing for Thursday, May 27, 2010 for consideration of an appeal related to the Fire Code
  - 3. Motion setting 7:05PM, Thursday, July 8, 2010 as public hearing for consideration of a zoning map amendment that would rezone seven lots on Old Pfeiffer Lane from R-2 Residential to C-2 Planned Commercial
  - 4. Motion setting 7:10PM, Thursday, July 8, 2010 as public hearing for consideration of approval for a Planned Development on about 3.8 acres on Old Pfeiffer Lane in a proposed C-2 Planned Commercial district

10.UPDATE REGARDING THE FUTURE MULTI-FUNCTIONAL GOLF CLUBHOUSE/BANQUET CENTER PROJECT

11. MISCELLANEOUS BUSINESS

12. EXECUTIVE SESSION

- a. Property acquisition (to consider the purchase of property for public purposes)
- b. Personnel Matter (to consider the appointment of public officials - board/commission positions expiring in July)

13. ADJOURNMENT"

**APPROVAL OF MINUTES**

Councilman Sumner moved, Councilman Buckman seconded to approve the minutes of the regular meeting of April 8, 2010. 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 – March 2010**

RECEIPTS:

Fines .....	\$ 13,245.25
Vendor Permits.....	\$0
Bonds & BMV fees carried over .....	\$250.00
Restitution Payment collected .....	\$20.00
Bonds collected .....	\$ 300.00
TOTAL RECEIPTS: .....	\$13,815.25

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures) .....	\$8,851.25
To the State of OH:	
Victims of Crime .....	\$1,034.00
General Rev Fund .....	\$2,150.00
Indigent Defense Support fund .....	\$520.00
Drug Law Enforcement Fund .....	\$353.08
Justice Program Service Fund .....	\$10.92
Indigent Driver's Alcohol Treat't Fund .....	\$156.00
Seat Belts .....	\$310.00
Refund of overpaid fines .....	\$70.00
Bond Money applied.....	\$130.00
Bond Money returned .....	\$60.00
Restitution payment (re Trost) .....	\$20.00
TOTAL DISBURSEMENTS .....	<u>\$13,665.25</u>
BALANCE IN BONDS:.....	\$ 150.00
Mayor's Court traffic citations .....	133

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Mayor's Court criminal citations.....	7
Total Mayor's Court cases .....	140
March rev. from Mayor's Ct. Cases:.....	\$ 8,851.25

**Financial Report – March 2010**

Councilwoman Stoller moved, Councilman Adamec seconded to accept the Financial Report for March 2010 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

**CITY OF BLUE ASH FINANCIAL POSITION STATEMENT- MONTH ENDING MARCH 31, 2010**

MONTH TO DATE	2009	2010
START OF MONTH FUND BALANCE: 3-1-10	\$20,719,314.16	\$19,652,641.99
<b>Revenues:</b>		
Earnings Tax Collections:	2,639,688.21	2,434,654.88
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	1,023,622.65	543,581.80
= Total Monthly Receipts	3,663,310.86	2,978,236.68
<b>Expenditures:</b>		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	3,605,356.32	2,699,195.99
= Total Monthly Expenditures:	-3,605,356.32	-2,699,195.99
END OF MONTH FUND BALANCE: 3-31-10	20,777,268.70	19,931,682.68
YEAR TO DATE	2009	2010
START OF MONTH FUND BALANCE: 3-1-10	21,919,948.20	19,339,082.19
<b>Revenues:</b>		
Earnings Tax Collections:	7,745,283.42	7,582,380.55
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	2,160,716.64	1,410,124.58
= Total YTD Receipts	9,906,000.06	8,992,505.13
<b>Expenditures:</b>		
Long term Debt Retirement	0	72,250.00
Short term debt refinancing	0	0
Other Expenditures:	11,048,679.56	8,327,654.64
= Total YTD Expenditures:	-11,048,679.56	-8,399,904.64
YEAR-TO-DATE FUND BALANCE:	20,777,268.70	19,931,682.68

100% of the fund balance was invested as of 3/31/10. Interest paid to date on matured investments: \$5,332.02. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING MAR. 31, 2010**

MONTH-TO-DATE STATUS	2009	2010
Business Net Profit	506,810.44	300,860.02
Resident Net Profit	64,452.83	65,245.37
Non-Resident Net Profit	12,566.74	10,370.77
Subcontractor Net Profit	3,510.60	2,658.25
Net Profit Total	587,340.61	379,134.41
Withholding	2,039,621.58	2,036,692.02
Subcontractor Withholding	12,726.02	18,828.45
Withholding Total	2,052,347.60	2,055,520.47
Monthly Collection Totals	2,639,688.21	2,434,654.88 (-7.77%)
YEAR TO DATE STATUS	2009	2010
Business Net Profit	1,136,652.58	1,223,237.76
Resident Net Profit	178,634.19	180,800.84
Non-Resident Net Profit	49,637.77	37,184.09
Subcontractor Net Profit	7,892.84	3,757.38
Net Profit Total	1,372,817.38	1,444,980.07
Withholding	6,249,812.28	6,010,719.16
Subcontractor Withholding	122,653.76	126,681.32
Withholding Total	6,372,466.04	6,137,400.48
YTD Collection Totals	7,745,283.42	7,582,380.55 (-2.10%)
YTD Refund Totals	429,436.50	288,492.42 (-32.87%)

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**Proclamation – Public Works Week, May 16-22, 2010 – Honorable Mark F. Weber**

Mayor Weber asked that the following proclamation be read in its entirety:

**“Whereas**, public works services in our community are an integral part of our citizens' everyday lives; and

**Whereas**, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, sidewalks and bike paths, solid waste collection, snow removal, and waste reduction activities, such as recycling; and

**Whereas**, the health, safety, and comfort of this community greatly depend on these facilities and services; and

**Whereas**, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works personnel and officials; and

**Whereas**, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

**Now, Therefore**, I, Mark F. Weber, Mayor of the City of Blue Ash, Ohio, do hereby proclaim May 16 through May 22, 2010 as **PUBLIC WORKS WEEK** in Blue Ash, Ohio and call upon all citizens and civic organizations to acquaint themselves with the challenges involved in providing our public works and to recognize the contributions that public works officials and personnel make everyday to our health, safety, and comfort.

In Witness Whereof, I have hereunto subscribed my name and caused the Seal of The City of Blue Ash, Ohio to be affixed this 13<sup>th</sup> day of May in the Year of Our Lord Two Thousand and Ten.”

Mayor Weber, and all Council members, complimented the City's public works efforts provided mostly through our Service Department.

**HEARINGS FROM CITIZENS**

Bruce Healy, 3630 Carpenter's Green Lane, expressed thanks to the Police Department who assisted his neighborhood with what turned out to be a false alarm (about an abduction). He commented that the Police responded in a professional manner that made everyone in his neighborhood feel extremely safe.

Mr. Healy expressed concern with a portion of the property maintenance code changes (relating to Ordinance No. 2010-21 on tonight's agenda) that addresses outside storage of items such as landscaping materials, including mulch. He noted that anyone purchasing mulch from periodic fundraisers (such as through the schools, Boy Scouts, etc) would be in violation of this portion of the Code due to the timing of such purchases (because of the timing of the delivery, the bagged mulch often is sitting out before placed). As proposed, purchasing of mulch through such fundraising efforts would result in fines to homeowners. Mr. Healy urged Council to consider this effect. Mr. Healy also commented that it is his opinion that the proposed fine of \$150 for violating a provision of the Code would not be high enough and would not be effective against certain violations. For example, someone cited for a problem which is relatively expensive to fix (such as a new roof) is not likely to take action in repairing or replacing that roof because of a fine at this dollar level. (It was later clarified in the meeting that the fine proposed in the ordinance is a \$150-per-day fine – not \$150 in total.)

Mr. Healy commented that he was not able to make a February meeting; however, it was his understanding that a follow-up meeting about housing would be scheduled to continue discussion. Mayor Weber commented that subsequent meeting has not yet been scheduled, and future discussions will be held.

Mr. Healy urged Council to consider not approving the rezoning request on Old Pfeiffer Lane (reference to two motions on tonight's agenda setting public hearings for this item). It is his opinion that a commercial district in that part of our community would be a mistake, for one

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reason being that our downtown commercial area does not need additional competition.

Curtis Battle, 11057 Lebanon Avenue, addressed Council regarding the following concerns:

- Mr. Battle asked the City to consider opening the Hazelwood Civic Center for more hours and to schedule more activities for the children, such as exercise classes, etc.
- Mr. Battle asked if the City could do something about the large number of stray cats in the neighborhood.
- Mr. Battle reiterated his request for a permanent restroom structure at Oakwood Park. Though the port-a-let was in place last year (though is not now), he would like to repeat the request for a permanent restroom building at the Park.

Dan Hosbrook, 9563 Kenwood Road, complimented the Service Department on their quick removal of a large pile of brush he recently set out for curbside pickup at his residence. Recent high winds caused much debris from one of his large trees, resulting in his need to place at his curb large piles of brush. He complimented the efforts of the crews, which he mentioned were quick and efficient in removing that unusually large amount of debris.

Peter Nord, Kenridge Lake neighborhood, complimented the efforts of the City Solicitor in the recent guest column submitted by him and printed in the *Northeast Suburban Life* newspaper. He mentioned that the article did a good job in explaining the reason for "emergency" legislation. He commented that the City's taking the time to provide such public explanations shows that the City truly does care about its citizens.

### **COMMITTEE REPORTS**

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

"The following offers a brief description of the items included on the May 13 Council agenda:

#### **9.a.1. Ordinance No. 2010-24 - Authorizing purchase of professional computer related services and materials in 2010**

Ordinance No. 2010-24 authorizes purchase of various computer related services and materials expected to be needed throughout 2010 from Blue Ash based InTrust Group (formerly known as LAN Solutions) for an aggregate amount not to exceed \$43,000 in 2010.

Although no single project or service requested of this vendor is expected to exceed the ordinance threshold of \$25,000, since aggregate purchases throughout the year will likely exceed that amount, Council approval via ordinance would be in line with audit guidelines. In addition to the routine direct network support and services from InTrust Group received throughout the year, the amount would include the services and materials associated with a new E-mail server, including software purchases and licensing. The City has utilized and trusts the services and staff of this Blue Ash based company for many years and is very satisfied with their product and services.

Please direct questions regarding this ordinance to the Treasurer.

#### **9.a.2. Motion setting 7PM, Thursday, July 8, 2010 as public hearing for consideration of the 2011 Tax Budget**

As is customary this time of year, this motion sets the public hearing date for the 2011 Tax Budget for July 8, 2010 at 7:00 PM. It is necessary to hold a public hearing and to thereafter present Council with a resolution for the Budget's acceptance, as has been the practice in the past. A copy of the Tax Budget will be available for review by the public, and Council's copy will be delivered in early July.

Please direct any questions regarding this motion or the tax budget process to the Treasurer.

#### **9.b.1. Ordinance No. 2010-20 - Authorizing agreement with Hamilton County regarding the Cooper Road rehabilitation project (east of Kenwood Road)**

The Municipal Road Fund (MRF) Program is administered by the Hamilton County Engineer to assist County jurisdictions with various types of road work throughout Hamilton County. The MRF Program is funded from the sale of license plates within the county. Jurisdictions submit projects for consideration and the County Engineer makes recommendations to the Hamilton County Board of Commissioners

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for consideration and approval of various projects.

The City of Blue Ash requested MRF funding to assist with the rehabilitation of Cooper Road between Kenwood Road and Cooper Lane after work is completed on the 36" water line currently under construction by Greater Cincinnati Water Works (GCWW). Although GCWW will pay over half of the restoration costs, other work is needed on the roadway that will be funded by the City. The MRF funds help offset the City's share of the rehabilitation costs.

The City of Blue Ash requested \$50,000 in MRF funds; however, not all projects could be fully funded and our request was approved for \$25,000. The Agreement with Hamilton County authorizes the County to provide the funds when the City is ready to start the project.

Please direct questions regarding Ordinance No. 2010-20 to the Public Works Director.

**9.b.2. Resolution No. 2010-2 - Authorizing participation in ODOT cooperative purchasing program**

The Ohio Department of Transportation (ODOT) has a Cooperative Purchasing Program that provides political subdivisions a means to purchase items from ODOT purchasing contracts. It is similar to the State's Cooperative Purchasing Contract program administered by the Ohio Department of Administrative Services (DAS) in which the City already participates; however, the ODOT program is separately authorized by Ohio Revised Code Section 5513. As a separate program, legislation is required by ODOT to express the intent of the political subdivision to participate in the program. Purchases through this program are exempt from a separate competitive bidding process since the items under contract have already been competitively bid through ODOT, similar to the State's DAS program.

Resolution No. 2010-2 allows the City of Blue Ash to participate in the ODOT Cooperative Purchasing Program, but does not require any specific level of participation. Also, there is no fee for participation. All items considered for purchase through this program will be evaluated for applicability to Blue Ash standards and the bid price must be fair and reasonable for each item. Examples of items that may be available through this program are asphalt, crack sealing, microsurfacing, etc.

Please direct questions regarding this resolution to the Public Works Director.

**9.c.1. Ordinance No. 2010-21 - Amending various sections of the Code of Ordinance related to property maintenance issues (First Reading)**

For the past several months, the Community Development office has been working closely with representatives from Dinsmore & Shohl towards suggestions for revisions to the Blue Ash Code to enhance the City's property maintenance enforcement efforts. A brief summary of the suggested changes is below; and complete marked-up versions of the actual code provisions are attached to the ordinance for further reference. The suggested changes are very similar, if not exactly the same, as was discussed at the Housing Study work session of Council held in February.

SECTION & SUBJECT	BRIEF DESCRIPTION
905.11 Trees & Shrubs	Adds "shrub or plant" wording to the description. Clarifies right-of-way wording.
911.01 Weed & Grass Control	Clarified to include that all noxious weeds shall be prohibited
1711.07 Storage & Parking of Junk or Inoperable Vehicle	This is a new section prohibiting outside storage of junk/inoperable vehicles
1711.08 Outside Storage	This is a new section addressing outside storage of additional items, such as landscape materials, trash containers, etc.
1711.09 Defacement of property	This is a new section requiring the property owner to remove all markings and graffiti from exterior surfaces of all structures.
1711.10 Swimming pools	This is a new section addressing swimming pools
1711.11 Sanitation	Provides more definition of how exterior property areas should be maintained.
1711.12 Grading & Drainage	Requires the property owner to maintain their watercourse to prevent pollution and contamination from occurring. Added roof drains & sump pumps discharge limits (adequate grade to direct stormwater runoff)

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1711.14 Accessory Structures, Fences & Walls	Further defines and adds fences, walls, retaining walls, and detached garages to the maintenance provisions
1711.15 Foundation, Walls & Roof	Includes mildewed, rust, peeling paint to the description and adds flashing to the roof maintenance paragraph.
1711.18 Windows, Doors & Hatchways	Requires window & door insect screens to be free of holes & in good working condition
1711.45 Other Containers	In lieu of the existing wording within this section, the reader is directed to Section 917.03 Trash Collection Policy
1711.99 Violation & Penalty	The violation fine is being changed from \$100 to \$150
1719.03 Parking Lot Maintenance	Requires residential driveways to be maintained and in proper state of repair

Thursday's reading of Ordinance No. 2010-21 represents the first reading of the recommended changes to the Code. The second reading, and formal vote, would be scheduled for the May 27 Council meeting.

Please direct questions regarding this ordinance to Rich Dole at 745-8542. (Rich will also be present at Thursday's meeting to address questions from Council or the public.)

**9.c.2. Motion setting a hearing for Thursday, May 27, 2010 for consideration of an appeal related to the Fire Code**

The City received a request from the architect representing the owner of Outlier Technologies to appeal a requirement related to the Blue Ash Fire Code associated with their planned improvements at their existing facility on Ashfield Drive. Though further details and information will be forwarded to Council before this hearing, a motion setting the hearing for the next regular Council meeting, May 27, would be appropriate.

**9.c.3. Motion setting 7:05PM, Thursday, July 8, 2010 as public hearing for consideration of a zoning map amendment that would rezone seven lots on Old Pfeiffer Lane from R-2 Residential to C-2 Planned Commercial**

As Council is aware, the City is in receipt of an application for rezoning of seven parcels of currently-zoned R-2 Residential property to C-2 Planned Commercial, and also approval for a planned development involving construction of commercial buildings on this property. The property involved is about 3.8 acres on Old Pfeiffer Lane east of Hickory Point Drive. This motion, and the motion next on this agenda, would represent the next step in this application process, formally setting public hearings for these requests to the City. This motion would set the hearing associated with the rezoning request for 7:05PM, Thursday, July 8, and the subsequent motion would set the hearing associated with the planned development at 7:10PM on the same evening.

Further details and information regarding these applications will be provided to Council for the hearing in July.

**9.c.4. Motion setting 7:10PM, Thursday, July 8, 2010 as public hearing for consideration of approval for a Planned Development on about 3.8 acres on Old Pfeiffer Lane in a proposed C-2 Planned Commercial district**

See Item 9.c.2. above."

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

In Councilman Bryan's absence, Vice Mayor Czerwonka was asked to preside.

Vice Mayor Czerwonka asked the Clerk to read Ordinance No. 2010-24 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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ORDINANCE NO. 2010-24

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT AND RELATED PURCHASES FROM INTRUST GROUP (FORMERLY KNOWN AS LAN SOLUTIONS) FOR NETWORK AND SERVER PROGRAMMING SERVICES AND RELATED HARDWARE, SOFTWARE, AND LICENSING TO SERVICE ALL CITY DEPARTMENTS AND DIVISIONS; AND DECLARING AN EMERGENCY

Vice Mayor Czerwonka 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, and Mayor Weber voted yes. Six yeases. Motion carried.

Vice Mayor Czerwonka moved, Councilman Adamec seconded to adopt Ordinance No. 2010-24. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Stoller, and Mayor Weber voted yes. Six yeases. Ordinance No. 2010-24 passed.

Vice Mayor Czerwonka moved, Councilman Buckman seconded to set 7:00PM, Thursday, July 8, 2010 as public hearing for consideration of the 2011 Tax Budget. A voice vote was taken. All members present voted yes. Motion carried.

**Public Works Committee, Thomas C. Adamec, Chairperson**

Councilman Adamec asked the Clerk to read Ordinance No. 2010-20 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-20

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF BLUE ASH AND THE BOARD OF HAMILTON COUNTY COMMISSIONERS RELATIVE TO THE IMPROVEMENT OF COOPER ROAD REHABILITATION KENWOOD ROAD TO THE EAST CORP LINE; AND DECLARING AN EMERGENCY

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

Councilman Adamec moved, Vice Mayor Czerwonka seconded to adopt Ordinance No. 2010-20. In addressing a question from Councilman Adamec, Public Works Director Mike Duncan explained that the Hamilton County Engineer's office assists jurisdictions within the County with various types of roadwork utilizing funds collected through the sale of license plates within the county. The cities submit projects, and the Engineer's office makes recommendations to the County Commissioners for their consideration and approval. Blue Ash submitted a funding request to assist with work needed on Cooper Road east of Kenwood Road to approximately Cooper Lane (after the Water Works completes its current project of installing a new water line). Although the Water Works will pay over half of the road's restoration costs, additional work in that roadway is needed and will be funded by Blue Ash. The City requested \$50,000 in these funds; however, not all projects could be funded, and the City was approved for \$25,000. This ordinance allows us to proceed with the agreement with the County related to this work. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Six yeases. Ordinance No. 2010-20 passed.

The Clerk was asked to read Resolution No. 2010-2 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

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RESOLUTION NO. 2010-2

AUTHORIZING THE CITY OF BLUE ASH'S PARTICIPATION IN THE OHIO  
DEPARTMENT OF TRANSPORTATION (ODOT) COOPERATIVE  
PURCHASING PROGRAM

Councilman Adamec moved, Councilwoman Stoller seconded to adopt Resolution No. 2010-2. In addressing a question from Councilman Adamec, Mr. Duncan explained that the City currently participates in a similar cooperative purchasing program administered by a different department within the State of Ohio (the Department of Administrative Services – DAS). Since ODOT has a similar cooperative purchasing program, though separate from the DAS program the City already participates with, formal approval from Council is required separately in order to participate. This resolution formally satisfies that requirement. He explained that because of the larger buying power of the State, many communities participate with this since many (but not all) materials required for various public works projects can be obtained at much lower costs. There being no further discussion, the Clerk called the roll. Councilpersons Adamec, Stoller, Sumner, Buckman, Czerwonka, and Mayor Weber voted yes. Six yeases. Resolution No. 2010-2 passed.

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

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2010-21 in its entirety.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2010-21

AMENDING AND ENACTING CERTAIN SECTIONS OF PART NINE  
(STREETS AND PUBLIC SERVICES CODE) AND PART  
SEVENTEEN (PROPERTY STANDARDS) OF THE BLUE ASH  
CODE OF ORDINANCES

Councilman Sumner noted that the reading tonight of this ordinance represents the first reading only, and no vote would take place tonight. This ordinance will be scheduled for a second reading (and vote) at the next regular meeting on May 27, 2010.

Some discussion followed regarding the proposed changes, as summarized below:

- In addressing a previous comment from Mr. Healy, it was clarified that the proposed fine for violation of provisions within this ordinance is \$150 a day – not a total fine of \$150.
- In addressing a question from Council, Solicitor Mark Vander Laan commented that enforcement must be done within reason. People are warned about their violation and given time to address the problem issue. Blue Ash code enforcement efforts have been consistent and reasonable in regards to this. He noted that the changes being proposed, and the overall property maintenance provisions of the Code, are consistent with other Codes throughout the State of Ohio. He added that when such issues reach the Mayor's Court level, it is up to the Mayor's discretion as to how to handle. Past and current Mayors do try to work with homeowners to be cognizant to specific circumstances and to be somewhat flexible.
- In addressing a question from Councilman Sumner, it was explained that anything stored (unshielded) outside has to be behind the front line of the home – essentially, not to be visible from the street. Councilman Sumner suggested that this be reconsidered to take into account certain property conditions that may be unsightly and visible to surrounding neighbors, but not necessarily from the street – especially unsightly conditions that last an extended period of time. Councilman Sumner suggested that wording could be incorporated to state that items “not consistent with normal conduct of home operations” could fall within the violation provision. An additional suggestion was made to consider “permanent” as compared to “temporary”

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storage. After discussion, it was agreed that this suggestion would be further investigated.

- Councilman Sumner expressed concern with the proposed changes to the drainage section requiring a property owner to be responsible for resolving a drainage violation. He expressed concern with a situation whereby a property owner has a drainage basin/swale that serves a larger area other than just the property upon which it sits. Councilman Sumner questioned whether a property owner of such an area should be responsible for repairing/fixing it.
- Councilwoman Stoller requested a provision to be considered that would address the draining of a swimming pool that would affect someone else's property.

Councilman Sumner moved, Vice Mayor Czerwonka seconded to set a hearing for Thursday, May 27, 2010 for consideration of an appeal related to the Fire Code. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Sumner moved, Councilman Buckman seconded to set 7:05PM, Thursday, July 8, 2010 as public hearing for consideration of a zoning map amendment that would rezone seven lots on Old Pfeiffer Lane from R-2 Residential to C-2 Planned Commercial. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Sumner moved, Councilman Adamec seconded to set 7:10PM, Thursday, July 8, 2010 as public hearing for consideration of approval for a Planned Development on about 3.8 acres on Old Pfeiffer Lane in a proposed C-2 Planned Commercial district. A voice vote was taken. All members present voted yes. Motion carried.

In explaining the two latter motions above, Councilman Sumner explained that the Planning Commission considered this request at their May meeting and unanimously (4-0) recommended denial of both applications. He explained that even though the Planning Commission clearly recommended denial, the process outlined in the City's Code specifies that the next step in the process is to hold public hearings before Council. The above motions formally set those hearings for July 8, with a second reading (and formal vote) regarding the ordinances to be at the August Council meeting.

#### **UPDATE REGARDING THE FUTURE MULTI-FUNCTIONAL GOLF CLUBHOUSE/BANQUET CENTER PROJECT**

City Manager Waltz reintroduced Dick Thomas from Steed Hammond Paul, the architects for the multi-functional golf clubhouse/banquet center project. Mr. Waltz explained that the purpose of tonight's presentation is to provide an update to Council and the public regarding design of a new multi-functional facility at the golf course. Though tonight Council is not being asked for the formal "go-ahead" for the project, it is likely that discussion will be scheduled for the June or July Council meeting.

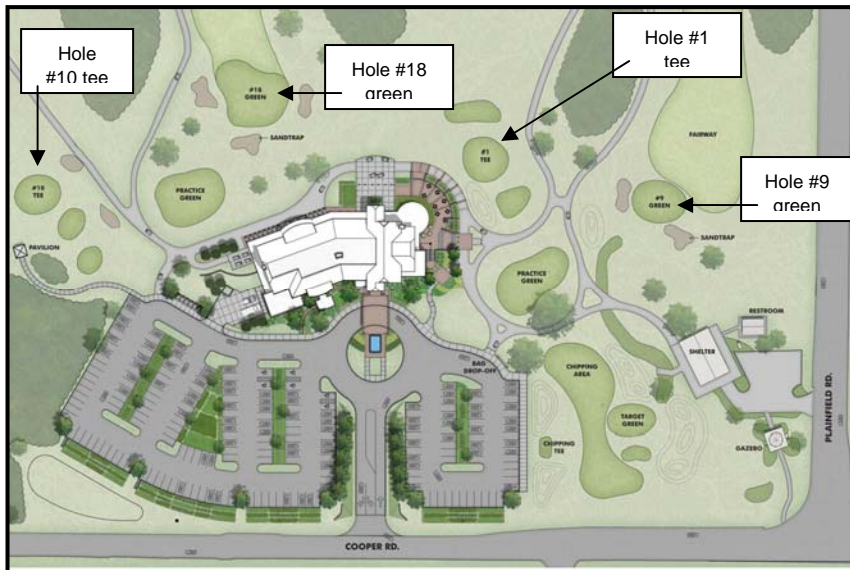
Dick Thomas and Jon Gothard from Steed Hammond Paul gave an approximate 30 minute PowerPoint presentation, with highlights summarized below:

- The overall development goals for a new golf center, clubhouse, and banquet facility would include to:
  - Create a new image and public amenity for the City of Blue Ash Golf Center while maintaining the current exceptional golf experience
  - Establish a banquet and corporate meeting facility on the Golf Center Grounds while maintaining the clubhouse offerings
  - Create a banquet and corporate meeting facility that will be the benchmark facility along the I-71 corridor
  - Create a visual impression and statement from Cooper Road and Plainfield Road

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Above is the overall site plan for a new facility. The new clubhouse/banquet facility would sit approximately where the current clubhouse is located. In determining its orientation, the major goal was to maximize views. A tree-lined entrance from Cooper Road is planned. Drop off areas for golfers and golf carts are included, along with 205 parking spaces.



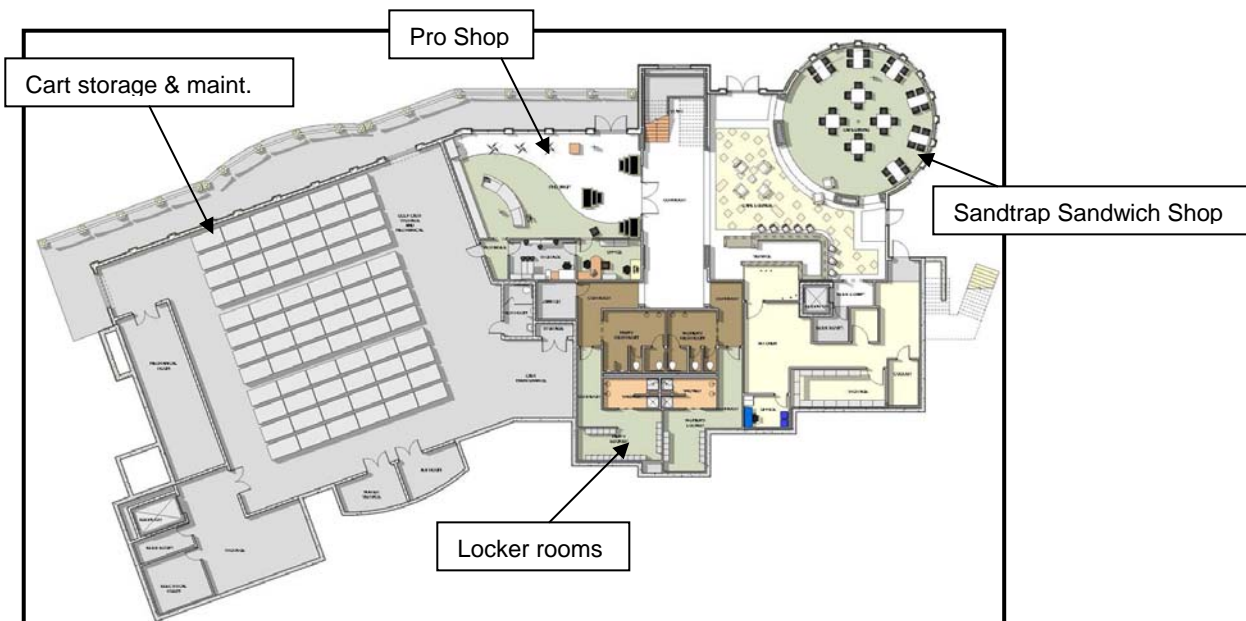
Above is the main entrance looking from the east parking area toward the facility. Cultured stone product, siding, and trim are featured (samples of proposed materials were available for viewing on a board within the Council Chambers). Entrance from this portion of the building would bring the visitor to the upper level of the clubhouse.

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Above is the view of the two-level facility from the 18<sup>th</sup> hole. The Sandtrap Restaurant is pictured to the left within the round-shaped portion of the building (featuring open seating/veranda area on top). Outdoor decking is provided along the remaining portion of the main level as well.



Above is the **lower level floor plan**. This level of the facility is primarily geared towards the golf operations and includes an expanded customer service desk area, pro shop, & Sandtrap Sandwich shop (see more visuals below). It is accessible from the north/rear elevation of the building. Dining style is casual/informal on this level, and also includes a point-of-sale purchase of food items for golfers from the course. Storage for 75 carts is provided in the western portion of the building.

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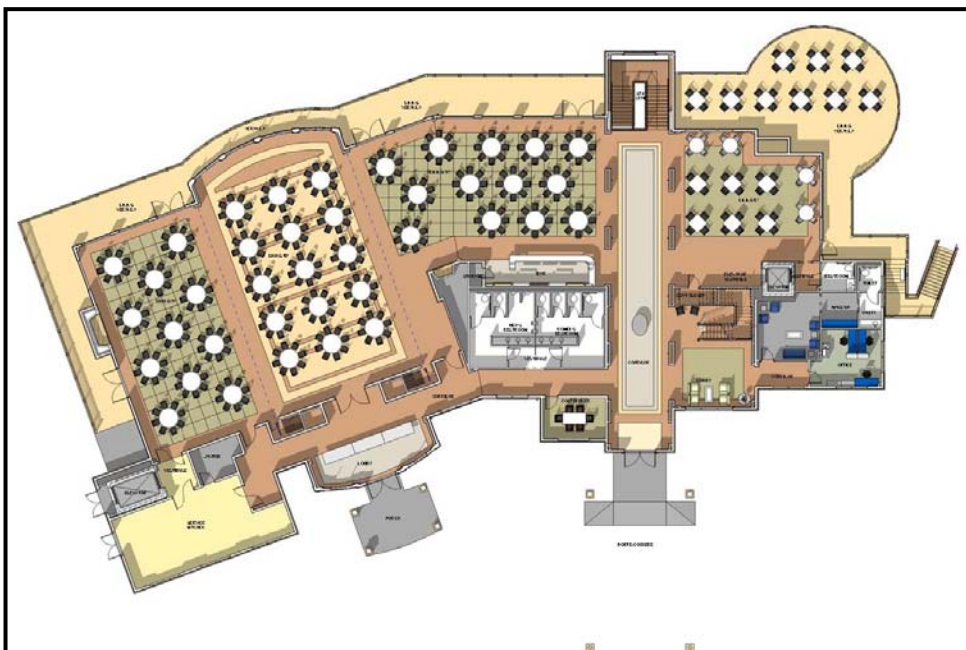
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Pro Shop pictured to the left.



Sandtrap Sandwich Shop pictured to the left.



Pictured above is the **upper level floor plan**. This represents the banquet facility portion of the building and is where customers would enter from the Cooper Road/front entrance. Included is space for 350 seats for dining, including a variety of seating arrangements to accommodate different types of activities as well as different sizes of activities in terms of participants. The areas can be divided into three separate areas, or can be used as one larger facility for large events.

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At this point in the presentation, an animation of the interior views of this level was shown.



Pictured above is a mezzanine area – a unique feature for the facility. It is on the upper level to the right of the main hallway and in the rear of the building. It could provide a smaller, more intimate type of setting and could also be combined with other portions of the building to accommodate rentals.

Mr. Waltz commented that he is pleased with the design and believes it captures Council's desire for a blend of traditional and modern features and appearance. He explained that Parks & Recreation Director Chuck Funk is currently working with the estimators to finalize construction costs, and noted that this information should be available in June.

In addressing a question from Councilman Sumner regarding the upper level, Mr. Gothard explained that the dining areas can be broken down into three separate, smaller areas. The area can also be used for one larger event as well. The intent for Sandtrap customers who wish to dine outdoors would be for them to purchase their food/beverage in the lower level and proceed upstairs via steps or elevator.

In addressing a question from Mayor Weber, Mr. Gothard explained that the outdoor veranda to the west of the Sandtrap could be utilized by the public when there are no rentals/events. The circular shaped outdoor seating area above the Sandtrap would be able to accommodate approximately 36 seated. Some discussion was had regarding the area provided in outdoor decking, and Mayor Weber suggested that a wider deck along the non-Sandtrap areas of the facility be provided. Mr. Gothard explained that the reasoning for a more narrow deck is to maximize light and to maximize golf course views (from inside the facility). Some discussion was had regarding outdoor deck area, and Mayor Weber encouraged consideration to expand the opportunity for outdoor seating to accommodate the casual diner.

In addressing a question from Councilman Sumner, Mr. Waltz explained that the Administration is still working to confirm better cost estimates; however, very preliminary estimates for this facility are in the \$7 to \$8 million range. Mr. Waltz commented that the Administration recommends that when these improvements are made that the City also move forward with needed cart path and irrigation improvements for the course as well, which would be an estimated \$1 to \$1.5 million more. He explained that the competitive marketplace still shows room for substantial cost savings, as evidenced by today's bid opening for the downtown signal project which is approximately \$500,000 below the \$1.7 million engineer's estimate. Mr. Waltz also added that current interest rates are very favorable (between 3.5% and 3.8%). Given these low rates, if the project proceeds, it is likely the Administration will recommend borrowing for the project in lieu of using available cash.

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Overall, Council seemed pleased with the overall appearance and ambiance of the proposed facility. Vice Mayor Czerwonka complimented Mr. Funk and the staff on their efforts towards this project.

**MISCELLANEOUS BUSINESS**

Public Works Director Mike Duncan commented that bids were opened this afternoon on the downtown traffic signal upgrades. As noted earlier by Mr. Waltz, the low bid appears to be approximately \$500,000 below the engineer's estimate of \$1.7 million. An ordinance will likely be presented to Council at the May 27 Council meeting awarding that project's bid.

Greater Cincinnati Water Works (GCWW) continues work on their waterline replacement project on Cooper Road in downtown. He noted that the road is extremely rough, and Mr. Duncan is working with representatives from GCWW to assure adequate restoration is in place, especially before the Memorial Day Parade activities later this month. He added that the contractor ran into problems that have been beyond their control, though some problems were within their control. In addressing a question from Councilman Sumner, Mr. Duncan noted that he was not aware of complaints received from the nearby Blue Ash Nursing Home. City Manager Waltz added that given concerns with major settling of the pavement area, it will likely be the recommendation that the next resurfacing phase for Cooper Road be completed next spring.

Parks & Recreation Director Funk noted that he placed on Council's desks a proposed guidelines/fees structure for the Taste of Blue Ash (for 501-3(c) organizations and non-profit organizations such as civic, government, church, and school organizations. Mr. Funk asked Council to review what is proposed, with discussion to be scheduled at the May 27 Council meeting.

In recognition of the Public Works Week proclamation, City Manager Waltz complimented Mr. Duncan and the Service Department on their efforts and noted that their work is being successfully completed with fewer staff members since several positions (due to retirements, etc.) have yet to be filled. He also noted that Mr. Duncan has likely secured an approximate \$500,000 grant towards a future sidewalk project along Cooper Road between Plainfield and Waxwing (a geographically difficult area to work with). Once finalized, more information about the grant and future project will be provided.

Councilwoman Stoller noted continued complaints from Brasher Avenue residents regarding the Camp Bow Wow facility along Creek Road near their neighborhood. She indicated that about eight or nine area residents have complained about the noise from the facility, especially on weekends, though the noise levels are not technically in violation of the noise ordinance. The potential of utilizing the City's "nuisance" portion of the Code was discussed. After brief discussion, she asked that any suggestions or ideas from her colleagues be forwarded to her.

Councilman Sumner provided a brief update on his participation in the study group looking at the feasibility of creating a regional Water Waste District. He explained that this process has advanced, and the City of Cincinnati has decided to proceed in the direction of this recommendation to create a regional district. This will require inclusion on a future election ballot – probably in 2011. The study group recommends that the creation of a regional district would be appropriate as these services have grown over the years and the area serviced by Cincinnati Water Works stretches far beyond just the borders of the City of Cincinnati. He noted that the process will be interesting and will keep Council posted with periodic updates.

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**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 (to consider the purchase of property for public purposes). The Clerk called the roll. Councilpersons Stoller, Sumner, Buckman, Czerwonka, Adamec, and Mayor Weber voted yes. Six yeses. Motion carried.

Councilwoman Stoller moved, Councilman Adamec seconded to convene an Executive Session to discuss a Personnel Matter (to consider the appointment of public officials - board/commission positions expiring in July). The Clerk called the roll. Councilpersons Stoller, Sumner, Buckman, Czerwonka, Adamec, and Mayor Weber voted yes. Six yeses. Motion carried.

After discussion on the above topics was complete, Councilman Sumner moved, Councilman Buckman 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 Buckman moved, Councilman Sumner seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:15 PM.

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Mark F. Weber, 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