

BLUE ASH CITY COUNCIL

June 10, 2010

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on June 10, 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 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, Deputy Solicitor Bryan Pacheco, 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, Fire Chief Rick Brown, Golf Pro Bill Mayer, 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

Councilman Adamec moved, Councilman Buckman 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 May 27, 2010
7. COMMUNICATIONS
 - a. Communications to Council - Clerk of Council Jamie K. Eifert
 - b. Reports From Outside Agencies
 - c. Mayor's Report – May 2010 – Honorable Mark F. Weber
 - d. Financial Report – Motion to accept the report for May 2010
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
 - a. Finance & Administration Committee, Rick Bryan, Chairperson
 1. Ordinance No. 2010-25, transferring funds
 2. Resolution No. 2010-5, reappointing members to the Civil Service Commission, Charter Revision Committee, and Board of Tax Review
 3. Motion cancelling the regular meetings of September 9, 2010 (Rosh Hashana) and November 11, 2010 (Veterans Day)
 - b. Planning & Zoning Committee, James W. Sumner, Chairperson
 1. Resolution No. 2010-6, reappointing members to the Planning Commission and Board of Site Arrangement/Zoning Appeals

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- 2. Motion setting a public hearing for 7:15PM, Thursday, July 8, 2010 regarding consideration of a planned development for a new restaurant on the site of Rombes Restaurant and the former Jiffy Lube at the southwest corner of Kenwood and Pfeiffer/Glendale-Milford Roads
- 3. Motion setting a hearing for Thursday, July 8, 2010 for consideration of an appeal relating to a decision of the Board of Zoning Appeals to deny a request to modify an existing legal, non-conforming sign in the M-4 District
- c. Public Safety Committee, Stephanie Stoller, Chairperson
 - 1. Resolution No. 2010-4, authorizing the filing of a grant request with the Ohio Attorney General's Office relating to drug use prevention efforts in schools
- d. Parks & Recreation Committee, Robert J. Buckman, Jr., Chairperson
 - 1. Motion authorizing the solicitation of bids for the Blue Ash Golf Course Improvement projects (including construction of a new Golf Course Clubhouse/Banquet Facility and irrigation and cart path improvements)

10. MISCELLANEOUS BUSINESS

11. ADJOURNMENT"

APPROVAL OF MINUTES

Councilwoman Stoller moved, Councilman Adamec seconded to approve the minutes of the regular meeting of May 27, 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 – May 2010

RECEIPTS:

Fines	\$ 12,634.00
Vendor Permits	\$0
Bonds carried over	\$150.00
Restitution Payment collected	\$130.00
Bonds collected.....	\$ 190.00
TOTAL RECEIPTS:.....	\$13,104.00

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$8,459.00
To the State of OH:	
Victims of Crime.....	\$990.00
General Rev Fund	\$2,230.00
Indigent Defense Support fund.....	\$485.00
Drug Law Enforcement Fund	\$329.31
Justice Program Service Fund	\$10.19
Indigent Driver's Alcohol Treat't Fund	\$145.50
Seat Belts.....	\$140.00
Refund of overpaid fines	\$35.00
Bond Money applied	\$150.00
Bond Money returned	\$ 0
Restitution payment	\$130.00
TOTAL DISBURSEMENTS.....	\$13,104.00
BALANCE IN BONDS:	\$ 0
Mayor's Court traffic citations.....	146
Mayor's Court criminal citations	6
Total Mayor's Court cases	152
May rev. from Mayor's Ct. Cases:.....	\$12,634.00

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Financial Report – May 2010

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

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

MONTH TO DATE	2009	2010
START OF MONTH FUND BALANCE: 5-1-10	\$21,692,323.59	\$22,504,762.52
Revenues:		
Earnings Tax Collections:	1,989,096.85	2,506,297.13
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	2,284,190.71	629,313.27
= Total Monthly Receipts	4,273,287.56	3,135,610.40
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	3,888,782.10	2,680,861.14
= Total Monthly Expenditures:	-3,888,782.10	-2,680,861.14
END OF MONTH FUND BALANCE: 5-31-10	22,076,829.05	22,959,511.78
YEAR TO DATE	2009	2010
START OF MONTH FUND BALANCE: 5-1-10	21,919,948.20	19,339,082.19
Revenues:		
Earnings Tax Collections:	13,318,774.26	13,152,152.29
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	5,149,660.20	4,370,132.67
= Total YTD Receipts	18,468,434.46	17,522,284.96
Expenditures:		
Long term Debt Retirement	0	72,250.00
Short term debt refinancing	0	0
Other Expenditures:	18,311,553.61	13,829,605.37
= Total YTD Expenditures:	-18,311,553.61	-13,901,855.37
YEAR-TO-DATE FUND BALANCE:	22,076,829.05	22,959,511.78

100% of the fund balance was invested as of 5/31/10. Interest paid to date on matured investments: \$8,079.07. Receipt and expenditure figures do not include interfund transfers.

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

MONTH-TO-DATE STATUS	2009	2010
Business Net Profit	38,886.07	215,354.61
Resident Net Profit	32,908.08	91,576.97
Non-Resident Net Profit	12,571.67	19,618.19
Subcontractor Net Profit	99.00	3,280.90
Net Profit Total	84,464.82	329,830.67
Withholding	1,874,664.14	2,123,313.15
Subcontractor Withholding	29,967.89	53,153.31
Withholding Total	1,904,632.03	2,176,466.46
Monthly Collection Totals	1,989,096.85	2,506,297.13 (26.00%)
YEAR TO DATE STATUS		
Business Net Profit	\$2,260,884.06	\$2,286,011.91
Resident Net Profit	567,247.12	542,493.53
Non-Resident Net Profit	144,957.60	105,210.40
Subcontractor Net Profit	27,856.85	17,168.40
Net Profit Total	3,000,945.63	2,950,884.24
Withholding	10,117,996.01	9,982,221.83
Subcontractor Withholding	199,832.62	219,046.22
Withholding Total	10,317,828.63	10,201,268.05
YTD Collection Totals	13,318,774.26	13,152,152.29 (-1.25%)
YTD Refund Totals	879,925.86	764,803.46 (-13.08%)

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HEARINGS FROM CITIZENS

Julie Brook, 9566 Cooper Lane, expressed concern with an individual who has been allowed to set up a table at the City's concerts with the purpose of getting a petition signed. Ms. Brook explained that she is a strong proponent of free speech; however, this particular person who has done this at recent City concerts has been a concern. Mrs. Brook expressed apprehension with setting of an unwanted precedent by allowing a person to take space up at the already crowded concerts with this table. Mayor Weber commented that this issue would be discussed later in this meeting.

Mrs. Brook also asked if a decision has been made yet regarding the fee for non-profit groups to have a booth at the Taste of Blue Ash, a question she posed at a Council meeting several meetings ago. Councilman Sumner noted that the Administration has recommended a fee structure to Council, and the issue will be discussed later in the meeting.

Mary Jane Kenyon (address not provided) commented that the Board of the Sycamore School District has not yet come to a decision as to whether a tax levy will be placed on a ballot this November. She noted that they have a \$39 million cash carryover, more than half of the district's yearly expenses, and she does not believe this is the time for a bond levy. She encouraged Blue Ash government leaders to consider asking the Sycamore School leaders to not put a levy on the ballot and to recognize that this is not an appropriate time to add financial burden to the citizens served by the Sycamore Schools.

Susan Bergman, 9595 Monroe Avenue, commented that she spoke at the last meeting expressing concerns with excessive traffic and speeding in the Arcadia neighborhood. City Manager Waltz noted that the Administration plans to present ideas regarding this issue to Council at the July 8 Council meeting. She also suggested the City look into the "Safe Routes to Schools for Kids" program. Mr. Waltz commented that the Public Works Director is aware of the "Safe Routes" program and works with the Sycamore Schools on this program.

Lynn Maki, 4849 Myrtle Avenue, commented that it takes only one car to kill a person, and she encouraged the City to work hard to find a permanent solution to the speeding and excessive traffic issue in Arcadia. She added that proposed radar signs and placement of a police car offer only temporary solutions.

Jim Maki, 4849 Myrtle Avenue, commented that the City spent \$20,000 on sidewalks at the Towne Square Lofts condo project and the placement of speed bumps in Arcadia would not cost \$20,000. He believes speed bumps would reroute the cut-through traffic to Cooper and Kenwood. He commented that the City is playing "Russian Roulette" with this issue as they have been made aware of the problem, with no solutions being proposed. He added that when something does happen, he believes the bad publicity that will result will be significant.

There being no further comments from the public, the Mayor asked Deputy Solicitor Bryan Pacheco to reiterate and explain the City's position on "emergency" legislation. Mr. Pacheco commented that some may believe that the use of "emergency" legislation is done only by Blue Ash; however, Mr. Pacheco explained this is not true as municipal corporations throughout the State of Ohio utilize this type of legislation. He noted that it is important for the City to have this capability and also noted that the City's Charter is unique in that emergency legislation is still subject to referendum (most municipalities do not have this provision). He also added that emergency legislation in Blue Ash must be approved by five members of Council – not just a simple majority of four. He noted that an ordinance passed as an emergency simply makes it effective at the time of passage, rather than waiting 40 days, and reiterated that every City in the State of Ohio has the ability to do this. Mayor Weber concluded, and Mr. Pacheco confirmed, that it seems to be a matter of semantics, and that the word "efficiency" in effect could instead be utilized in place of the word "emergency." Councilman Sumner added that emergency legislation has no impact and does not limit the opportunity for public comment on legislation.

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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 June 10 Council agenda:

9.a.1. Ordinance No. 2010-25 - Transferring funds

Although the attachment to transfer Ordinance No. 2010-25 reflects a number of items, this legislation involves only "housekeeping" items. Financially, the most significant involves Fund #291, which relates to last year's Federal "ARRA" grant under the stimulus program for the repaving/refurbishment of a portion of Reed Hartman Highway. This reduction in revenue and expenditure appropriation realigns that restricted fund so it can be closed out.

Next, a \$100,000 additional appropriation is reflected for Fund #445, relating to the "Issue 15" airport/airport park fund. Blue Ash's agreement with the City of Cincinnati called for an "advance" of \$500,000 during the year in which the lead remediation was to begin. Our appropriations were set up towards the end of 2009, which would have arranged for the payment of the "advance," and our current budget showed a reduction in the amount of our land payment during 2010 by \$100,000, for a total payment of \$900,000. Since it has been determined that the clean-up will begin in 2011, a change to the 2010 Budget is necessary to provide for the \$1,000,000 payment, instead of the \$900,000 anticipated.

The listed additional revenue and expenditure appropriations relate to a donation of \$10,000 to the Police Department toward salaries, and realigning rental and deposit revenue and expenses in relation to the current activity levels at the Recreation Center.

Please direct questions regarding the transfer ordinance to the Treasurer.

9.a.2. Resolution No. 2010-5 - Reappointing members to the Civil Service Commission, Charter Revision Committee, and Board of Tax Review

Resolution No. 2010-5 reappoints members to the Civil Service Commission, Charter Revision Committee, and Board of Tax Review (Steve Richter, Rich Cogen, and Arnold Stoller respectively). All positions are due to expire July 1 due to the method of appointment outlined in the Charter, and all have been contacted to confirm their interest in continuing to serve.

9.a.3. Motion cancelling the regular meetings of September 9, 2010 (Rosh Hashana) and November 11, 2010 (Veterans Day)

With the September 9 and November 11 regular Council meetings falling on holidays, Rosh Hasana and Veterans Day respectively, it would be appropriate that Council pass a formal motion cancelling these two meetings. These two meetings have also been marked as "cancelled" on the printed community calendar, as well as on the BlueAsh.com website.

Please direct questions regarding this to the City Manager.

9.b.1. Resolution No. 2010-6 - Reappointing members to the Planning Commission and Board of Site Arrangement/Zoning Appeals

Resolution No. 2010-6 reappoints members to the Planning Commission and Board of Site Arrangement/Zoning Appeals (Beverly Gill and Mark Kirby respectively). Similar to Resolution No. 2010-5, these positions expire July 1 due to the method of appointment outlined in the Charter, and both have been contacted to confirm their interest in continuing to serve.

9.b.2. Motion setting a public hearing for 7:15PM, Thursday, July 8, 2010 regarding consideration of a planned development for a new restaurant on the site of Rombes Restaurant and the former Jiffy Lube at the southwest corner of Kenwood and Pfeiffer/Glendale-Milford Roads

The City is in receipt of an application for the construction of a new City BBQ restaurant at the site that currently houses the Rombes restaurant and the currently vacant property to its south, the former Jiffy Lube. This motion would appropriately set a hearing for Thursday, July 8, at which time additional information will be provided regarding this project.

Please direct questions regarding this motion to the City Manager.

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9.b.3. Motion setting a hearing for Thursday, July 8, 2010 for consideration of an appeal relating to a decision of the Board of Zoning Appeals to deny a request to modify an existing legal, non-conforming sign in the M-4 District

The City is in receipt of a request from legal counsel for Bernard Clarke to appeal a decision of the Board of Zoning Appeals relating to their denial to allow modification to an existing legal, non-conforming ground sign located within the M-4 District on Deerfield Road. This motion formally sets that hearing for the July 8 meeting. More information will be provided to Council before this hearing.

Questions regarding this issue may be directed to Dan Johnson in the Community Development office at 745-8528 or via e-mail to djohnson@blueash.com.

9.c.1. Resolution No. 2010-4 - Authorizing the filing of a grant request with the Ohio Attorney General's Office relating to drug use prevention efforts in schools

This resolution expresses City Council's approval for the Police Chief to submit a grant application to the Office of the Ohio Attorney General relating to grant funding associated with drug use prevention education in the public schools. The funding expected would be similar to 2009 levels – in the \$4,300 range.

Though this program has been referred to as DARE in the past, funds under this program are now eligible for a variety of activities. As such, we are in communication with the School District regarding some alternative programming in the upcoming year. As we develop such alternates, we will be sure to update Council.

Please direct questions regarding this resolution to the Police Chief.

9.d.1. Motion authorizing the solicitation of bids for the Blue Ash Golf Course Improvement projects (including construction of a new Golf Course Clubhouse/Banquet Facility and irrigation and cart path improvements)

This motion would formally authorize the project team to move forward with the solicitation of bids related to the planned Golf Course improvements, including construction of a new clubhouse/banquet facility and improvements associated with the irrigation system and cart paths. Please refer to a separate memo in Council packets from the Parks & Recreation Director which provides more details.”

The following memo was also provided for Council:

“To: David M. Waltz, City Manager

From: Chuck Funk, Parks & Recreation Director
Jim Pfeffer, Treasurer

Subject: Golf Course Clubhouse & Banquet Facility

Date: June 6, 2010

The design of the Golf Course Clubhouse and Banquet Facility is in its final stages, and we are recommending that the City of Blue Ash proceed with the project as planned. This recommendation is based on the current favorable materials and construction market, low financing rates, and the fact that this project was a significant component of the original Issue 15 campaign approved by Blue Ash citizens.

The design of the project is proceeding nicely and the only outstanding issue involves access to the veranda located on the west side of the proposed facility. We are recommending an alternative within the bid package that would address access to that area from outside the building. Once the bids are received and evaluated we can then decide if adding the access is a necessity and/or financially acceptable. Other alternates may be included as the bid package comes together, providing the City greater latitude for options should the bid results be favorable.

The estimated total investment in this facility is \$7.7 million, including an 8% contingency (\$600,000), as well as costs for design, engineering, construction management/ inspection, and furnishings and fixtures. We anticipate that the actual cost of construction could vary depending on the construction market at the time of bid. We do anticipate a favorable bidding scenario, but there are no guarantees.

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We anticipate a 2010/2011 project schedule as follows:

June-Mid August—Final Design, Review and Value Engineering
Late August—Bids for Construction
September 14—Bid Opening
September 23—Bid Awards by Council
Late September—Construction Begins
June 2011—Estimated Completion (9 month construction)

We have discussed the possibility of LEED certification for this facility. Steed, Hammond and Paul and Schumacher Dugan have studied the administrative costs associated with this process and they estimate an additional \$100,000-\$140,000 in cost for this project. In addition, LEED certification places certain restrictions on the City of Blue Ash in the future with regards to maintenance of the facility which will undoubtedly add cost.

Our recommendation is to forego the LEED certification. Even without the LEED certificate, we are incorporating many aspects of sustainable construction. Examples of sustainable practices that we are including in the project are utilization of bio-swales or bio-retention for storm water management, selection of building materials that contain recycled content, reflective roofing materials and orientation of windows to reduce solar heat gain, integration of an ice storage cooling system (thermal storage) and the use of highly energy efficient lighting.

In addition to this facility, we are also planning upgrades to the thirty year old irrigation system by installing new double-row irrigation and the total replacement of cart paths throughout the golf course. The estimated cost of these two projects is a combined \$1.5 million bringing the total investment to \$9.2 million.

As previously addressed with Council, moving ahead with construction during 2010 may provide for significant cost savings due to the eagerness shown by contractors for projects of this nature in this economic downturn. In addition, there are advantages to relying upon the issuance of general obligation bonds to fund this project, given the favorable interest rates available in the current market. We would expect to issue bonds with a total principal amount less than \$9,500,000, with a likely 10 to 12 year maturity range, which would carry a Moody's rating, and which would be issued in July or August of this year. Bonding costs would be included in the bonded amount, with the issue handled by an underwriter, or via open competitive bid for the bonds. Of course, all future debt payments on this bond issue would be made using Issue 15 resources.

Reliance on fully bonding the investment in this project permits Issue 15 cash reserves to be maintained, thus assuring their availability to meet the potential for matching funds for airport reconfiguration, continuing Issue 15 debt obligations on the new Recreation Center, and maximizing Blue Ash's options as to the design and construction of the next Issue 15 commitment to the citizens--our signature 130 acre park.

While it is certainly true that "timing is everything", planning ahead to be in a position to take advantage of a favorable environment must also be considered. The City of Blue Ash is currently in that position in relation to this project.

Kindly consider our comments and recommendations, and advise if you need supplemental information or clarification. Thank you."

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Ordinance No. 2010-25 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-25

PROVIDING FOR THE TRANSFER OF FUNDS AND
AMENDMENTS WITHIN THE ANNUAL APPROPRIATION
ORDINANCE NO. 2010-3 FOR THE YEAR 2010 (AS SHOWN
ON ATTACHMENT); AND DECLARING AN EMERGENCY

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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 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. 2010-25. 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. 2010-25 passed.

Councilman Bryan asked the Clerk to read Resolution No. 2010-5 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2010-5

PROVIDING FOR THE REAPPOINTMENTS OF STEVE RICHTER TO THE CIVIL SERVICE COMMISSION, RICH COGEN TO THE CHARTER REVISION COMMITTEE, AND ARNOLD STOLLER TO THE BOARD OF TAX REVIEW

Councilman Bryan moved, Councilman Buckman seconded to adopt Resolution No. 2010-5.

There being no discussion, the Clerk called the roll. Councilpersons Buckman, Czerwonka, Adamec, Bryan, Stoller, Sumner, and Mayor Weber voted yes. Seven yeases. Resolution No. 2010-5 passed.

Councilman Bryan moved, Vice Mayor Czerwonka seconded to cancel the regular meetings of September 9, 2010 (Rosh Hashana) and November 11, 2010 (Veterans Day). A voice vote was taken. All members voted yes. Motion carried.

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner asked the Clerk of Council to read Resolution No. 2010-6 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2010-6

REAPPOINTING BEVERLEY GILL TO THE PLANNING COMMISSION AND REAPPOINTING MARK KIRBY TO THE BOARD OF SITE ARRANGEMENT AND BOARD OF ZONING APPEALS OF THE CITY OF BLUE ASH

Councilman Sumner moved, Councilman Adamec seconded to adopt Resolution No. 2010-6. There being no discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeases. Resolution No. 2010-6 passed.

Councilman Sumner moved, Councilwoman Stoller seconded to set a public hearing for 7:15PM, Thursday, July 8, 2010, regarding consideration of a planned development for a new restaurant on the site of Rombes Restaurant and the former Jiffy Lube at the southwest corner of Kenwood and Pfeiffer/Glendale-Milford Roads. A voice vote was taken. All members voted yes. Motion carried.

Councilman Sumner moved, Councilman Buckman seconded to set a hearing for Thursday, July 8, 2010 for consideration of an appeal relating to a decision of the Board of Zoning Appeals to deny a request to modify an existing legal, non-conforming sign in the M-4 District. A voice vote was taken. All members voted yes. Motion carried.

Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk to read Resolution No. 2010-4 by title only.

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THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2010-4

AUTHORIZING THE FILING OF A GRANT REQUEST WITH THE OHIO ATTORNEY GENERAL'S OFFICE FOR THE CONTINUING EFFORTS ASSOCIATED WITH DRUG USE EDUCATION AND PREVENTION IN SCHOOLS

Councilwoman Stoller moved, Vice Mayor Czerwonka seconded to adopt Resolution No. 2010-4. Councilwoman Stoller explained that the Police Department will be applying for a grant that can be used towards drug use education efforts in the school, and these funds are not limited to only the DARE program. There being no further discussion, the Clerk called the roll. Councilpersons Adamec, Bryan, Stoller, Sumner, Buckman, Czerwonka, and Mayor Weber voted yes. Seven yeases. Resolution No. 2010-4 passed.

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

Councilman Buckman moved, Councilman Adamec seconded to authorize the solicitation of bids for the Blue Ash Golf Course Improvement projects (including construction of a new Golf Course Clubhouse/Banquet Facility and irrigation and cart path improvements). A voice vote was taken. Councilmembers Adamec, Bryan, Stoller, Buckman, Czerwonka, and Mayor Weber voted yes. Councilman Sumner voted no. Six yeases; one no. Motion passed.

Further Discussion regarding efforts to get signatures on petitions at special events

Further discussion was held regarding the issue brought forward earlier in the meeting regarding the setting up of a table by private citizens at a City event to solicit signatures for petitions. City Manager Waltz noted that in the past, every once in a while but not too often, there would be persons seeking signatures on petitions at City events. It seemed mostly to involve state-wide issues and seemed easiest to allow these people to place a table off to the side, with the downside of this being that other people might get the same idea resulting in the City receiving multiple requests. He noted that the idea of the table was to keep the petitioners from bothering the crowd as the City's options were limited as to stopping petitioners in roaming the event asking for signatures.

Brief discussion was had, and Mayor Weber suggested allowing a designated space, perhaps by the former Remax building, for such people to be placed.

In addressing questions from Council, Deputy Solicitor Pacheco noted that such petitioners have the right to free speech to the extent provided by the Constitution and Ohio law; however, they do not have the right to disrupt the concert/event or its patrons. If the City would decide to designate a special location for such efforts, as long as everyone has the same opportunity, then the City will be acting fairly. Councilman Sumner added that it is his opinion that this particular person as discussed earlier in the meeting under Hearings from Citizens is bothering more than just a few residents. Councilman Bryan commented that he agrees with the concept of having one designated area for such participants and added that it is not the City's goal to limit free speech or to limit petitioners. He noted that the City's purpose is to make events enjoyable and to create a congenial atmosphere. He cautioned that such an area not be set up on private property as there is much surrounding the Square.

It was the consensus of Council to limit petitioners to a designated space and concluded that the Administration will continue to work through this issue internally.

MISCELLANEOUS BUSINESS

Public Works Director Mike Duncan commented that the Water Works will continue their work on Cooper Road towards the installation of a 36" replacement water main beginning June 21. He recommended that if possible, motorists will want to avoid Cooper and Montgomery Roads in coming months as delays are certain.

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Further discussion regarding fee structure for non-profit type booths at the Taste of Blue Ash

Parks & Recreation Director Chuck Funk noted that several meetings ago, a proposed fee structure for non-profit groups at the Taste of Blue Ash was presented to Council, and he asked for feedback from Council. He commented that the fee structure differentiates between a 501(c)3 organization (one officially designated as so by the federal government) and a non-profit organization (one that is civic oriented, but is not specifically a 501(c)3).

Councilman Bryan excused himself from this discussion as The Wellness Community, is such an organization, and he serves as its Executive Director.

Mr. Funk added that examples of 501(c)3's could be Matthew 25 Ministries, The Wellness Community, and Northeast Community Challenge. Examples of non-profits include the Republican and Democratic clubs, some churches, etc. The fee structure stated that the proposed booth fee for a 501(c)3 is \$100, for a non-profit Blue Ash organization \$1,000, and for a non-Blue Ash non-profit \$1,200. He explained that the booth fees are intended to cover their cost to the City at the event – such as for electricity, set-up and teardown, table and chair rental, etc.

In addressing a question from Council, Mr. Funk explained that the Boy Scouts participate in varying roles at these events and assist the City in several ways. They would not be subject to the booth fee.

Mr. Funk concluded that there is limited space at the event, and he believes the City should focus such space for sponsors, and should not be subsidizing the cost for such non-profit organizations.

Councilman Sumner noted that when first looking at the fee structure, he was uncomfortable with it; however, given explanation this evening, he is comfortable with it and agreed that the City should not be subsidizing the cost for such organizations.

After brief discussion, an informal vote of Council indicated that all Council members were in favor of the fee structure as proposed and as outlined in the memo spread below:

“Non-Profit Organization Guidelines & Fees for Events

501 3-C Organizations

- Organization's primary goal is education and awareness of their cause
- Must show proof of 501 3-C status to receive discounted rate at events
- Fee: \$100
- Fee includes: 1- 8' table, 2 chairs in Community Tent
- Organization must be located in the City of Blue Ash
- 6 spaces available per event

Non-Profit Organizations

- Includes: Civic, Government, Church, School Organizations
- Organization's primary goal is education and awareness of their cause
- Fee: \$1,000 (Blue Ash Organization)
\$1,200 (Non-Blue Ash Organization)
- Fee includes: 10' X 10' booth, 1- 8' table, 2 chairs, basic electric, organization's information included on event page of website

If an organization is interested in raising money for their program, the City has fundraising opportunities through the concessionaire at the events.”

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Mr. Funk noted that he has looked into the "Play Me, I'm Yours" piano program (at the suggestion of Mayor Weber). Mr. Funk explained that about four other cities in the Cincinnati area participate in this program which involves placement of a piano in a public area available to the public to play. The program requires that the City would have to chain/secure the piano, and to cover it in case of inclement weather. Caretakers would be assigned, with most communities utilizing volunteers. The program starts August 1, and runs for approximately 3 weeks. After brief discussion, it was the consensus of Council of Council that they were in favor of the City's participation in this program.

Mr. Funk noted that, as Council was notified by E-mail previously, the Recreation Center renovation is one of 87 nominated projects nominated to receive an architectural award, and our Center was featured in the June edition of a national level architectural publication. Only ten (of 87) will be selected to receive the national award. This information has been placed on the City's website.

City Manager Waltz noted that at the July meeting, he intends to bring forward an ordinance regarding several "housekeeping" payplan issues. However, one subject is timely, and he requested Council's informal approval at this time. This item relates to a request from the Fire Chief to provide extra pay for part-time firefighters, currently making in the range of \$16.55 per hour regularly, for certain holidays and selected special events. The proposed change would adjust this rate to \$25 per hour for certain holidays and selected special events and added that it has been difficult to recruit workers for the holidays, particularly the upcoming July 4 holiday. He also added that such a change might make the Blue Ash part-time firefighter position more competitive in the market. Some discussion was had as to whether the Council could pre-authorize this change, and it was suggested by Treasurer Jim Pfeffer (and confirmed by the Deputy Solicitor) that since payment for the upcoming July 4 holiday would be made after the July 8 Council meeting, that there should be no issue. No Council member expressed an objection to this concept and change. The Fire Chief will work with Human Resources on a framework of this change, to be included in the July 8 Council packets.

Mr. Waltz noted that he recently met with legal counsel regarding the Cincinnati/Blue Ash Airport issue, and the hope is that over the next few months, more details about progress towards the reconfiguration efforts will be known.

Councilman Bryan noted that on Monday, June 14 (Flag Day), the American Legion Post 630 will be hosting a flag retirement ceremony on the Veterans Memorial, which involves the respectful burning of flags no longer suitable for display. He invited all and noted that it is an educational event as well for children, and much discussion about the flag's history to be provided at the ceremony.

Councilman Bryan noted that he recently attended the Greene School's DARE graduation ceremony and noted his support for the program and continuation in the future.

Councilman Buckman asked if a crosswalk at Monroe/Cooper/Wynnecrest similar to the walk at the Montgomery Inn in downtown Montgomery, with flashing lights embedded in the pavement, might be effective. It was noted that the Public Works Director has been talking with a representative in Montgomery about the success of these lights, and this will be incorporated into what will be presented July 8. Mr. Duncan confirmed that in the State of Ohio, the law does give a person in a designated crosswalk the right-of-way.

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ADJOURNMENT

All items on the agenda having been acted upon, Councilwoman Stoller moved, Councilman Buckman seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:14PM.

Mark F. Weber, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council