

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on April 27, 2006. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at 7:00 PM.

OPENING CEREMONIES

Mayor Buckman asked Boy Scout Andy Davis to lead those assembled in the Pledge of Allegiance. Andy is 14 years old, a member of Troop 299, and only one badge away from earning his Eagle Scout award. Andy is also the nephew of Councilman Jim Sumner.

ROLL CALL

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

ALSO PRESENT: City Manager Marvin Thompson, Deputy Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Assistant City Manager David Waltz, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Service Director Dennis Albrinck, Fire Chief Rick Brown, Human Resources Officer Margaret Main, Fire Captain Greg Preece, Assistant Community Development Director Dan Johnson, members of the press, and interested citizens

PUBLIC HEARING – 7:00PM – Consideration of proposed changes to the Blue Ash Code of Ordinances - Ordinance No. 2006-19 (first reading)

The Clerk was asked to read Ordinance No. 2006-19 in its entirety:

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2006-19

AMENDING PORTIONS OF THE BLUE ASH CODE OF ORDINANCES,
INCLUDING PORTIONS OF PART NINE – STREETS AND PUBLIC
SERVICES CODE, AND PORTIONS OF PART ELEVEN – PLANNING
AND ZONING CODE

Jim Dyer, 5275 Myerdale Drive addressed Council, with highlights of his comments summarized below:

- He expressed appreciation to Council for becoming aware of residents' concerns related to infill housing. He and some other residents believe the proposed changes to the Code fall short in addressing problems, particularly with drainage and setback concerns, as he outlined at a prior Council meeting.
- Regarding drainage, he believes any infill house must have, before construction begins, a storm water survey and management plan to be approved by the City. Before occupancy would be allowed, reapproval or reconfirmation of that plan should occur.
- He believes it is important that the developer be required to post a bond for an amount of \$6,000. The purpose of this bond would be to use it to remedy water problems, if such problems occur, on nearby properties. If such problems do not occur after 14 months, then the money/bond would be returned to the developer. He believes an existing private drainage problem on Samstone would have been avoided if such a bond were posted. Though the City's proposal of performing some of the above-noted checks are suggested as a part of the City's administrative procedure, he believes that specifying it within the Code would be more effective.
- Regarding setback, they believe the regulations should require that in cases where houses in a neighborhood are placed clearly in a straight line, that the setback of an infill house should match the average of the four closest adjacent homes. The currently proposed regulation stipulating that the infill home's setback should be no more than approximately 20 feet from the former home's existing setback will create jagged setbacks within a neighborhood. They believe it important to maintain the existing line of sight within the neighborhood.

- Regarding infill home elevation, he recommends the infill home have a maximum of no more than one-foot higher than the former home. He is unclear as to the recommended changes, though they believe it would allow an infill home's elevation to be more than one foot higher. He noted an existing problem with an infill home on Zig Zag Road.
- He suggests that the Code address maximum heights for infill homes – to be based upon a formula(s), the idea being to keep the height in line with adjacent homes in the neighborhood.
- Mr. Dyer commented that residents can take action in situations such as these by continuing to come to meetings such as tonight's, to continue writing "letters to the editor" in the local newspaper, to use yard signs when appropriate, to work on a petition to place a proposed Charter amendment on the November 2006 ballot, and to work to change the Council membership for the 2007 election.

Brent Fisher, 5000 Myerdale, commented that he believes the proposed discussion and changes represent a starting point toward resolution of issues for infill housing, but not the finishing point. He also supports the idea of requiring a developer to post a bond, as he believes this will keep residents from becoming a city of "suing" against each other. Setbacks for infill housing are also a key point of concern.

Michael Kelly, 9639 Cooper Lane, commented that Cooper Lane is also experiencing infill housing and redevelopment. He hopes the changes will help to scale the new house to a lot to prevent too large of a home on too small of a lot. It is his desire that residents such as he will not be "priced out" of Blue Ash. He believes the larger homes "cast a shadow" on the existing, smaller, houses and that a supply of homes priced in the \$200,000 range should be maintained in Blue Ash.

This public hearing was closed at approximately 7:16PM.

PUBLIC HEARING – 7:05PM – Consideration of adoption of the Blue Ash Town Center Concept Redevelopment Plan (representing an update to the Downtown Master Plan first adopted in 1982) – Ordinance No. 2006-20 (first reading)

The Clerk was asked to read Ordinance No. 2006-20 in its entirety:

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2006-20

ADOPTING THE BLUE ASH TOWN CENTER CONCEPT REDEVELOPMENT PLAN (REPRESENTING AN UPDATE TO THE DOWNTOWN MASTER PLAN FIRST ADOPTED IN 1982)

Assistant City Manager David Waltz commented that the purpose for this updated plan is to assure that downtown remains economically viable in the future. Though downtown today is fine and certainly represents a positive change from its beginnings in the early 1980s, it is necessary to keep up with changing market conditions. He stressed that the plan recommended is **conceptual** in nature – and **not** meant to be a blueprint of specific change. To continue positive growth in downtown, a public/private partnership must take place. He stressed that rather than focusing on the pictures included in the plan, it is important to recognize the real component that future marketing conditions may encourage mixed-use development and increasing density for downtown. The plan is a framework that will help the City to answer the question: "Where do we go from here?" This will be a long process that can be accomplished only with the City working cooperatively with existing property owners.

Menelaos Triantafillou, the planner who assisted the City with developing this conceptual plan, stated that passage of this plan would be a preliminary first step in the implementation process. Prior work was part of the planning process. He explained that it would show the development community that the City endorses a plan for new direction. The essence of the plan is not the pictures within it. The City must look at downtown as a whole, and the plan will be used as a tool on an ongoing basis to look at individual properties. He explained that the pictures shown in the plan are not what the downtown will look like; however, the plan will be an important milestone for Blue Ash. He stressed that it is a proactive way to look at the downtown and sets a direction for the future.

Larry Montag, owner of Montag's Furniture at 4819 Cooper Road, commented that he believes the plan is overwhelming, but that it is a good direction for Blue Ash. A huge vision will bring big results, and he eagerly awaits its passage. He complimented the City in hiring a professional to assist, and he believes the plan will set up a future in a direction that is on track for Blue Ash.

Scott Hinch, President of Oak Hill Banks, commented that he lives in Jackson, Ohio. He encouraged the community to continue discussing downtown and commented that the bank needs to take a leadership role in downtown's progress. He encouraged the City to consider the importance of ownership (verses leasing/renting).

Dr. David Schlueter, 9500 Kenwood Road, explained that he has been a part of downtown Blue Ash for many years and has a long history in the area. He moved his existing building to Kenwood Road in the mid 1980s, when the original downtown redevelopment was taking place, and when construction created disorder in the area. He commented that downtown is now flourishing because of those decisions by City leaders. He encouraged Council to continue work and communications with private property owners and to make them a part of the progress.

Dr. Zeke Zekoff, owner of Towne Square Animal Clinic at 9401 Towne Square Avenue, commented that he hopes the existing businesses, in the spirit of "advancement," will not be overlooked by the City. He and his family-oriented business would like to be a part of the growth and progress. He also stressed the importance of ownership, and looks forward to working with the City as a partner in the growth.

Councilman Sumner explained that tonight's reading of this ordinance, as well as Ordinance No. 2006-19, represents the formal public hearings as well as the first readings. Both ordinances will be on the May 11th Council agenda for their second reading and formal consideration by Council.

This hearing was closed at approximately 7:40PM.

PUBLIC HEARING – 7:10PM – Consideration of a development plan for construction of a hotel at 4300 Glendale-Milford Road in the M-2 District (Hilton Garden Inn) – Ordinance No. 2006-24

The Clerk was asked to read Ordinance No. 2006-24 in its entirety:

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2006-24

APPROVING A DEVELOPMENT PLAN UNDER CHAPTERS 1163 AND 1185 OF THE CODIFIED ORDINANCES FOR CONSTRUCTION OF A NEW FOUR-STORY HOTEL ON VACANT LAND AT 4300 GLENDALE-MILFORD ROAD (HILTON GARDEN INN)

John Corowdus, representing project owner Jiten Patel, commented that they have modified the plans and renderings to meet the suggestions offered by the City and Planning Commission. All those conditions included in the ordinance are acceptable.

There being no further comment, the hearing was closed at approximately 7:46PM.

Mayor Buckman appointed Parks & Recreation Director Chuck Funk and Service Director Denny Albrinck to read the legislation in its entirety in the rear of Council Chambers. Mr. Buckman explained to the audience that anyone interested in hearing the ordinances and resolutions read in their entirety is welcome to move to the rear of the Chambers. He also mentioned that written copies of the legislation on tonight's agenda may be found on the ledges near the City Administration's desks.

ACCEPTANCE OF AGENDA

Councilman Weber moved, Councilwoman Stoller seconded to accept the revised 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. PUBLIC HEARING – 7:00PM – Consideration of proposed changes to the Blue Ash Code of Ordinances - Ordinance No. 2006-19 (first reading)

5. PUBLIC HEARING – 7:05PM – Consideration of adoption of the *Blue Ash Town Center Concept Redevelopment Plan* (representing an update to the Downtown Master Plan first adopted in 1982) – Ordinance No. 2006-20 (first reading)
6. PUBLIC HEARING – 7:10PM – Consideration of a development plan for construction of a hotel at 4300 Glendale-Milford Road in the M-2 District (Hilton Garden Inn) – Ordinance No. 2006-24
7. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
8. ACCEPTANCE OF AGENDA
9. APPROVAL OF MINUTES
 - a. Regular Meeting of April 11, 2006
10. COMMUNICATIONS
 - a. Communications to Council - Clerk of Council Jamie K. Eifert
 - b. Reports From Outside Agencies
 - c. Mayor's Report – March 2006 – Honorable Robert J. Buckman, Jr.
 - d. Financial Report – Motion to accept the report for March 2006
11. HEARINGS FROM CITIZENS
12. COMMITTEE REPORTS
 - a. Planning & Zoning Committee, James W. Sumner, Chairperson
 1. Ordinance No. 2006-24, approving a development plan for construction of a hotel at 4300 Glendale-Milford Road in the M-2 District (Hilton Garden Inn)
 2. Motion setting 7:00PM, Thursday, May 11, 2006 as hearing for consideration of an appeal by Al Neyer, Inc. of a Board of Zoning Appeals decision regarding signs at 4755 Lake Forest Drive
 - b. Public Safety Committee, Stephanie Stoller, Chairperson
 1. Ordinance No. 2006-33, awarding bid for aerial ladder fire truck
 2. Ordinance No. 2006-34, amending the Blue Ash Code of Ordinances relating to the Fire Code
 - c. Finance & Administration Committee, Rick Bryan, Chairperson
 1. Ordinance No. 2006-32, transferring funds
 2. Ordinance No. 2006-35, amending Section 113.01 of Chapter 113 of the Code of Ordinances regarding property and records
 3. Ordinance No. 2006-36, establishing requirements for employee surety and public employee name schedule bonds
13. MISCELLANEOUS BUSINESS
14. EXECUTIVE SESSION – Property Acquisition & Personnel Matter
15. ADJOURNMENT”

APPROVAL OF MINUTES

Councilman Sumner moved, Councilman Stacey seconded to approve the minutes of the regular meeting of April 11, 2006. 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 2006

RECEIPTS:

Fines.....	\$27,792.00
Bonds & BMV fees carried over.....	\$50.00
Interest Earned.....	\$9.82
Bonds collected.....	\$150.00
TOTAL RECEIPTS:	\$28,001.82

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$20,891.82
To the State of OH.....	\$6,910.00
Refund of Overpaid Fine.....	\$0.00
Bond Money applied.....	\$50.00
Bond Money returned.....	\$0.00
BMV.....	\$ 0.00
TOTAL DISBURSEMENTS	\$27,851.82

BALANCE IN BONDS:.....	\$150.00
Mayor's Court traffic citations.....	295
Mayor's Court criminal citations.....	15
TOTAL	310
Mar. rev. from Mayor's Ct. Cases:	\$20,891.82

Financial Report – March 2006

Councilwoman Stoller moved, Councilman Rick Bryan seconded to accept the Financial Report for March 2006 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

**CITY OF BLUE ASH FINANCIAL POSITION STATEMENT
FOR THE MONTH ENDING MARCH 31, 2006**

MONTH TO DATE	2005	2006
START OF MONTH FUND BALANCE: 3-1-06	\$9,833,110.23	\$13,478,564.70
Revenues:		
Earnings Tax Collections:	\$1,510,111.47	1,458,149.71
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>369,699.34</u>	<u>420,564.92</u>
= Total Monthly Receipts	1,879,810.81	1,878,714.63
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	<u>2,421,571.44</u>	<u>4,129,507.79</u>
= Total Monthly Expenditures:	<u>-2,421,571.44</u>	<u>-4,129,507.79</u>
ENDING FUND BALANCE: 3-31-06	9,291,349.60	11,227,771.54
YEAR TO DATE	2005	2006
START OF YEAR FUND BALANCE:	14,622,289.87	12,916,635.98
Revenues:		
Earnings Tax Collections:	5,535,049.71	5,387,898.68
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>1,363,748.26</u>	<u>1,712,652.14</u>
= Total Monthly Receipts	6,898,797.97	7,100,550.82
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	5,100,000.00	0
Other Expenditures:	<u>7,129,738.24</u>	<u>8,789,415.26</u>
= Total YTD Expenditures:	<u>-12,229,738.24</u>	<u>-8,789,415.26</u>
YTD FUND BALANCE	9,291,349.60	11,227,771.54

100% of the fund balance was invested as of 3-31-06. Interest paid to date on matured investments: \$290,474.42. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY
FOR MONTH ENDING MARCH 31, 2006**

MONTH-TO-DATE STATUS	2005	2006
Business Net Profit	270,816.54	270,163.16
Resident Net Profit	41,769.90	31,525.27
Non-Resident Net Profit	10,459.62	8,193.34
Subcontractor Net Profit	<u>2,496.19</u>	<u>954.08</u>
Net Profit Total	325,542.25	310,835.85
Withholding	1,180,445.79	1,139,199.45
Subcontractor Withholding	<u>4,123.43</u>	<u>8,114.41</u>
Withholding Total	<u>1,184,569.22</u>	<u>1,147,313.86</u>
Monthly Collection Totals	1,510,111.47	1,458,149.71
YEAR-TO-DATE STATUS	2005	2006
Business Net Profit	924,915.39	1,024,879.14
Resident Net Profit	123,327.58	115,490.92
Non-Resident Net Profit	35,614.23	31,720.82
Subcontractor Net Profit	<u>4,731.69</u>	<u>3,385.82</u>
Net Profit Total	1,088,588.89	1,175,476.70
Withholding	4,378,997.81	4,137,615.51
Subcontractor Withholding	<u>67,463.01</u>	<u>74,806.47</u>
Withholding Total	<u>4,446,460.82</u>	<u>4,212,421.98</u>
YTD Collection Totals	5,535,049.71	5,387,898.68
YTD Refund Totals	<u>153,412.30</u>	<u>196,909.32</u>

HEARINGS FROM CITIZENS

Neal Ohlsson, 9364 Thrush Court, expressed concerns about water problems experienced on his property in the back yard. He is adjacent to the former Twin Lakes fishing area, now the Twin Lakes condominium development. He explained that when the condos were built, construction of a berm has caused water to backup on his property, becoming increasingly worse over the years. He has spoken with the City, including with Mr. Albrinck and the Project Coordinator, who have informed him that it is a private matter between him and the condo association. He commented that he believes the problem should not have happened in the first place and that the City should assist in getting the problem resolved.

In addressing a question from Mayor Buckman, Mr. Ohlsson commented that the water is normal runoff. However, since his yard is the lowest point, it is essentially where the water ends up. (Past investigation has revealed that other neighbors have added soil to their yards to increase elevation.) Other neighbors on the street also experience standing water problems.

In addressing a question from Councilwoman Stoller, Mr. Ohlsson commented that the problem has existed since he moved to the house in the year 2000.

Service Director Denny Albrinck explained that they were made aware of the problem approximately three to four years ago. He has encouraged the property owners to talk with Towne Properties, who manages the complex for the association, to have a pipe installed to alleviate the problem.

Sharon Peterson, 9371 Raven Lane, commented that they did not have the water problem until the condominiums were constructed, and over the years, it has become increasingly worse. She also commented that individual homeowners, in trying to alleviate problems on their properties, have caused additional problems for others.

After some discussion, it was determined that the City would facilitate discussions with Towne Properties (the property manager for the Twin Lakes development).

Bill Clark, 9638 Conklin Road, asked that speed limit signs be installed on Conklin Road in an attempt to slow down motorists, particularly area teens who frequently speed on the street. He also requested "Children At Play" signs be placed. City Manager Marvin Thompson commented that he would work with the Police and others regarding these suggestions.

Jamie Pike, 4907 Myrtle Avenue, commented that she has been working with Patrol Officer Mike Bray on a problem with stray/errant cats in her neighborhood. She recommends a change to Code section 505.01, which addresses issues of dogs and other animals roaming at large. Because of the current wording of the ordinance, the Police can do nothing to help prevent problems with cats since no citations can be given in problem situations with the current wording. She suggested that the word "cat" be incorporated within the ordinance.

Councilwoman Stoller commented that she has been working with the Police and legal counsel at Dinsmore on proposed changes to this section of the Code, and it is her desire for recommended changes to be included on the May 11th agenda.

Councilman Sumner expressed concern with writing legislation directly towards cats, given the natural tendency for them to be outside and roaming.

Brent Fisher, 5000 Myerdale Drive, commented that he heard during the public hearing for the downtown plan that business people do not want to be run out of Blue Ash. He commented that just as those business owners have an investment in their business, residents have an investment in their homes as well. He encouraged Blue Ash to consider what other communities are doing to address concerns.

Hearings from Citizens was declared closed at 8:05 PM.

COMMITTEE REPORTS

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

“The following offers a brief description of the items included on the April 27th Council Agenda:

4. PUBLIC HEARING – 7:00PM – Consideration of proposed changes to the Blue Ash Code of Ordinances - Ordinance No. 2006-19 (first reading)

Thursday’s meeting represents the formal public hearing and first reading of both Ordinance No. 2006-19, representing the recommended changes to the Code of Ordinances, as well as Ordinance No. 2006-20 representing the downtown master plan update. Both items have been discussed with Council and the Planning Commission for the past several weeks, and detailed information regarding both have been posted on the City’s website for many weeks as well.

Please address questions regarding either of these items to the City Manager or Assistant City Manager.

5. PUBLIC HEARING – 7:05PM – Consideration of adoption of the Blue Ash Town Center Concept Redevelopment Plan (representing an update to the Downtown Master Plan first adopted in 1982) – Ordinance No. 2006-20 (first reading)

See comment above.

6. and 12.a.1. PUBLIC HEARING – 7:10PM – Ordinance No. 2006-24 - Consideration of a development plan for construction of a hotel at 4300 Glendale-Milford Road in the M-2 District (Hilton Garden Inn)

The City is in receipt of a request for development of a Hilton Garden Inn on currently vacant land at 4300 Glendale-Milford Road in the M-2 Planned Office-Industrial District. A new four-story hotel is proposed on vacant land that is currently part of the site that contains the Xerox building (east of the existing building, away from the nearby residential properties). Hotel use is permitted in the M-2 district, and the structure meets all setbacks required in the District. The site also exceeds minimum parking requirement and the lighting plan also meets District requirements. The Administration believes the proposed height is not overwhelming and is similar to others in the general vicinity. The building is also more than 500 feet from any of the residential uses to the west (Fox Hollow and the homes on Glendale-Milford).

A representative of the applicant is expected to be in attendance at Thursday’s meeting to address questions from Council or the public.

12.a.2. Motion setting 7:00PM, Thursday, May 11, 2006 as hearing for consideration of an appeal by Al Neyer, Inc. of a Board of Zoning Appeals decision regarding signs at 4755 Lake Forest Drive

Recently the Board of Zoning Appeals denied a request for a second building sign above the first story of a multi-story building located at 4755 Lake Forest Drive (the building adjacent to MOM). The building will have multiple tenants, and the building owner, Al Neyer Inc., desires a second building sign on the south face, towards Glendale-Milford Road. Section 1185(g)(2) of the Code, regulating building signs in the M-1 District, stipulates that there will be no more than one wall sign above the first story in a multi-story building. The Board denied their request.

More information will be presented at the hearing which this motion establishes for 7PM, May 11th. Please direct questions regarding this ordinance to the Assistant Community Development Director.

12.b.1. Ordinance No. 2006-33 - Awarding bid for aerial ladder fire truck

Bids were recently solicited for the Fire Department’s replacement 100-foot aerial platform vehicle, and bids were opened on April 20th. Though five companies received full specifications, only one bid was received. Finley Fire Equipment bid a “Pierce Custom Dash” 100-foot aerial platform, and their bid is summarized below:

\$964,513.00 (furnishing and delivery within 240-270 days)
\$ -23,592.00 (if contract is signed by April 28th)
\$940,921.00 Bid Proposal
\$ 43,257.00 Loose Equipment Total
\$984,178.00
\$ -50,000.00 (Less trade-in for 1982 Mack)
\$934,178.00
\$ -37,331.00 (Amount deducted if 100% Prepayment)
\$896,847.00 = Total for Aerial with Prepayment (net of trade)

Ordinance No. 2006-33 authorizes a contract for this bid award, including the City's option to trade the 1982 Mack truck. At the writing of this memo, the Treasurer continues investigating further the concept of whether or not to participate in the "pre-payment" discount described above. Since a final decision is not likely by the end of the day on Tuesday, the ordinance was written in a way to allow either scenario.

In addition, Ordinance No. 2006-33 authorizes an additional amount of \$3,000 above the quoted bid, the majority of which represents an estimated cost for additional equipment mounting brackets which cannot be confirmed until further into the truck's construction process.

A representative from the Fire Department will be present at the meeting to address questions from Council or the public.

12.b.2. Ordinance No. 2006-34 - Amending the Blue Ash Code of Ordinances relating to the Fire Code

Recently the Fire Administration has been working with Dinsmore & Shohl (Bryan Pacheco) related to changes to the Fire Code (Chapter 1501 of the Blue Ash Code of Ordinances). These changes, the first in almost ten years, will allow the Blue Ash Code to reflect many of the changes made to the Ohio Fire Code, the Ohio Building Code and the Ohio Revised Code since the last adoption. In addition, the recommendations will allow the Fire Department to take a more proactive approach to many Life Safety issues within our community. The attachments to Council's Ordinance no. 2006-34 show the proposed changes recommended.

A representative from the Fire Administration will be in attendance at the meeting to address questions from Council.

12.c.1. Ordinance No. 2006-37 - Authorizing a collective bargaining agreement with the Police Department Sergeants

The FOP Sergeants Unit requested to be recognized in August 2005, and the State Employee Relations Board officially recognized the FOP Sergeants as a bargaining unit in December 2005. At that time, negotiation dates were scheduled to begin in early 2006 between the Sergeants and the City of Blue Ash.

The result is the first contract agreed upon between the Sergeants and the City. The contract is loosely based on the existing FOP, Patrol Officer Unit contract. The major points of interest are noted below.

- ?? Section 8.4 – Added language allowing for alcohol and drug testing after a work place accident or injury.
- ?? Section 9.3 / 10.11 – Added No Loss/ No Gain language regarding participation in instances of disciplinary action/grievances. If on-duty, the employee is not penalized for leaving his/her duties to participate. Conversely, if off-duty the employee is not paid to participate, unless called on behalf of the City.
- ?? Section 11.1 – Newly promoted Sergeants shall serve a six (6) month probationary period.
- ?? Section 12.3 – Records of oral reprimands or written suspensions shall not be used to determine the appropriate level of disciplinary action 2 years from the date of their issuance. Records of suspension shall not be used to determine the appropriate level of disciplinary action 3 years from the date of their issuance.
- ?? Section 16.3 – The work schedule for the Sergeants may consist of four (4) consecutive shifts of 8.5 hour days followed by two (2) consecutive days off.
- ?? Section 16.5 – Compensatory time may be accrued up to 229 hours a year. This is a non-refillable accrual.
- ?? Section 16.10 – The City will attempt to equally distribute overtime hours. Provisions made for a running overtime list – overtime being offered to the employee with the least amount of overtime hours.
- ?? Section 19.1 – Wage increases are as follows: \$2,000 one time addition to the base salary; 3% in 2006; 3% in 2007; 3% in 2008.
- ?? Section 20.1 – Longevity to be computed at \$5 per month rather than \$4.
- ?? Section 21.1 – Changed the language to reflect that the employer will pay the same percentage of health insurance premiums for Sergeants as for all other non-bargaining unit employees. Sergeant contributions to the premium will not exceed 5% in the first year, 7.5% in the second year; or 10% in the third year that premium contributions are implemented.
- ?? Section 22.1 – Uniforms will be issued by the Department. Employees will receive annual stipend of \$500.00 for maintenance expenses.
- ?? Section 26.10 – Fitness test is voluntary
- ?? Contract is retroactive to December 17, 2005.

Please address questions regarding this ordinance to the Human Resources Officer at 745-8530 or via E-mail to mmain@blueash.com.

(ADMINISTRATIVE NOTE: ORDINANCE NO. 2006-37 ABOVE WAS PULLED FROM THE APRIL 27TH AGENDA PRIOR TO THE MEETING)

12.c.2. Ordinance No. 2006-32 - Transferring funds

A number of items have arisen which call for consideration of a transfer ordinance by Council. Fortunately, the costs associated with the changes shown on the attachment to this ordinance are all covered by a collection of inheritance tax during 2006, which has already exceeded our budgetary estimate.

The largest item involves the placement of additional funding in the Police Department's Salary and Benefit accounts to accommodate the expected hiring of a Patrol Officer to fill an existing vacancy. This funding was not included in the Proposed or Final Budgets for 2006. A related allocation of \$4,000 is also needed in the Advertising/General Government Account relating to a new approach to advertising for the availability of the exams for this position to increase the number and quality of our applicants.

The Assistant City Manager has been working with a number of departments and divisions, and with the Project Coordinator, on examining how our vehicles are preventatively maintained and repaired, with the intent of implementing a fleet management program. A "trial" maintenance program has been instituted within the Service Department, but initial funding for repair and maintenance supplies is needed in the General Government area until the full scope of the program is determined and put in place. Therefore, a \$4,000 allocation is requested in that account.

In the Recreation area, a communication appropriation of \$2,700 is needed at the Recreation Center to provide postage for their new meter. A new postage/ mailing machine was purchased for the Recreation Center earlier in 2006, and the City received a check for unused postage on the old meter when it was removed. The City has deposited that check, but the need exists to reappropriate those funds in the Communications area of the Recreation Center.

Also in Recreation, funding of \$17,000 is necessary in the streetscaping area for Parks & Grounds. In the mid-1990s, concurrent with the streetscaping of Towne Square Avenue, an agreement was made with the owners of The Rug Gallery for the removal of two unnecessary curb cut/aprons on the street. The City was in the process of installing the "streetscaping" theme, and the unused aprons were an eyesore and were removed after reaching an agreement with The Rug Gallery that the City would pay for their replacement should development ever require it. The Rug Gallery is currently in the process of an expansion, and the need exists to reopen the curb cuts and reinstall the aprons. In keeping with the City's commitment, The Rug Gallery has asked that we absorb that expense, and that funding was not included in the Final Budget.

The final item involves appropriating existing fund balance in the Land Purchase Fund No. 471 (\$2,814.90). For over 25 years, the Land Purchase Fund has been an active account that was funded through the assessment of a \$100 fee for the development of every residential lot. Following code changes a few years ago, the fee was no longer collected, and we are in the process of expending the remaining balance in that fund so it may be closed from the accounting system.

Please direct questions regarding the transfer to the Treasurer.

12.c.3. Ordinance No. 2006-35 - Amending Section 113.01 of Chapter 113 of the Code of Ordinances regarding property and records

Although this section of the Code of Ordinances was updated several years ago relating to the disposal of surplus real property (real estate), the need exists for changes related to the process for the disposal of City personal property declared surplus or obsolete.

The Administration is recommending an increase in the existing thresholds regarding approval levels for the disposition of such property (paragraph a), and is also requesting that the Administration be granted the capability of utilizing internet auction systems such as E-bay, or the surplus auction site maintained by Hamilton County, for disposing of items.

Clearly, there is a benefit to offering our surplus equipment and materials to the widest audience possible, and it certainly would appear that internet auction sites provide the capability for achieving the greatest value for these obsolete items. The Police Department has received information from Hamilton County regarding their auction website, which is specifically targeted for the disposal of surplus government materials. We anticipate working with Hamilton County so that Blue Ash may become a participant in those auctions, as they already have the system in place to provide for this service.

Alternatively, it may be more useful for the City to consign excess equipment and materials to one of the many internet auction businesses sprouting up that offer the placement of materials on E-bay for a commission or fee.

Please direct questions regarding this ordinance to the Treasurer.

12.c.4. Ordinance No. 2006-36 - Establishing requirements for employee surety and public employee name schedule bonds

There are requirements in both the Blue Ash Charter and the Ohio Revised Code relating to the manner in which the City's financial and property assets are protected through the purchase of faithful performance or honesty bonds. The Blue Ash Charter Section 20.02 (Official Bond) requires that all officers and employees of the City who handle or manage money or property shall be covered by a corporate surety bond, and the amount of that bond shall be determined by an ordinance passed by City Council. That issue was last addressed through consideration of Ordinance No. 90-21, which established a threshold of \$25,000 for such coverage. In the past, meeting this Charter requirement also called for the City to purchase a blanket employee's honesty bond, a product which is becoming more and more difficult to secure. However, such coverage is available through a crime and honesty policy provided through the Miami Valley Risk Management Association (MVRMA), the joint self-insurance pool of which the City has been a member since 1992. Therefore, we would like to update this section of this ordinance.

In addition to the Charter requirements regarding honesty bonds, there are also specific sections of the Ohio Revised Code that call for the purchase of individual name schedule bonds for those who hold the position of Treasurer, Tax Commissioner, and City Manager. Those requirements will also be included in the proposed Ordinance No. 2006-36 addressing these issues for the protection of the City's monetary assets.

Please direct questions regarding this ordinance to the Treasurer."

A second memo from Assistant Community Development Director Dan Johnson, as spread below, was also included within Council packets:

"At the Council meeting on April 11, the Council asked the Administration to continue to investigate regulations that would result in infill construction that is more similar to what exists in the established neighborhood. Two potential regulations are described below, the purpose of which would be to encourage building bulk and setbacks that are in keeping with what is appropriate in a particular zoning district.

1. Floor Area Ratio (FAR) Maximum

Floor area ratio regulation limits the maximum square foot area of a structure to a percentage of the square foot area of its lot. For example a maximum FAR of 0.40 on a 10,000 square foot lot would allow no more than 4,000 square feet of floor area inside of the structure.

A FAR regulation could be used in conjunction with the existing setback and other dimensional regulations to limit the absolute size of the structure. Within that size limitation, a developer or property owner could design the same as if a FAR maximum did not exist. Nothing about a FAR regulation will force greater side setbacks or a shorter house, but it may encourage both. If the amount of square foot area is limited, a developer may have to choose between a large family-room on the first floor and another bedroom on the second floor.

Though other communities have used FAR regulations, there is no standard FAR that has been determined to be the "correct" amount. The chart attached to this memo describes the effect that different regulations would have

for differing lot sizes.

Council cited three examples of houses that were “too big” for the lot. Below are those addresses and the estimated FAR of each, based on only the square foot area of the house, minus the basement and garage.

?? 4641 Northfield Avenue – 0.29 (Lot 11,674 square feet; house 1,285 square feet)

?? 4645 Northfield Avenue – 0.30 (Lot 12,807 square feet; house 3,790 square feet)

?? 9595 Monroe Avenue – 0.49 (Lot 7,841 square feet; house 3,821 square feet)

The houses on either side of the new construction on Northfield are:

?? 4639 Northfield Avenue – 0.14 (Lot 10,323 square feet; house 1,490 square feet)

?? 4651 Northfield Avenue – 0.13 (Lot 12,110 square feet; house 1,596 square feet)

A sample of 19 R-3 lots on Victor Avenue, Highland Avenue, Hunt Road, Raven Lane, Longren Court, Leslie Avenue, Myrtle Avenue, Fairview Avenue, Monroe Avenue, Brittany Drive, Chimney Hill Drive, Villageview Court, Tiffany Ridge Lane, Corine Avenue, Cook Avenue, and Grand Avenue indicates an average of about 0.21 FAR. The highest FARs in the R-3 district includes the Chimney Hill and Tiffany Ridge areas. The highest of the sample was 0.40 on Chimney Hill Drive.

If Council does adopt a maximum FAR, then the number should be high enough that most of the existing construction in the district remains conforming. It is difficult to determine the true FAR of existing construction because an accurate accounting of existing square foot area is not readily available. The Hamilton County Auditor’s office lists the square foot area of homes, but the information is not accurate enough for the purpose of determining the FAR.

The calculation of floor area for the purpose of calculating FAR varies in other communities that use the regulation. Staff prefers a floor area that includes all floor area above ground, including all garages and covered porches and patios. Although garages are not living area, they do contribute to the apparent mass of a building and are, therefore, important to the reason for a maximum FAR regulation. (Based on this, the all of the ratios above would be slightly higher, since none of those included garage areas.)

If a maximum FAR is adopted, then all permit applications for new construction or for additions must include a survey of the property, to provide an accurate measurement of the square foot area of the lot, and an accurate architectural diagram of the entire house, to verify the square foot area of the house. Both of these submittal requirements will add cost to the permitting process, since not all construction has required surveys in the past and permits for additions do not normally require floor plans of existing construction where no work is planned.

A maximum FAR of 0.45 would probably create a very small number of nonconforming residences in the R-3 districts, but it would also easily permit two of the three houses that were cited as “too large for the lot.”

Approximately 70 percent of new residential construction in 2004 could have been accommodated in the R-3 district with a maximum FAR of 0.40. But setting that as the maximum would also create more nonconforming residences than a 0.45 maximum FAR, which would require variances for any planned construction that would increase the floor area of an already large home.

If Council adopts maximum FAR, Staff suggests that it be only for the R-3 district, at this time, which will provide the opportunity to monitor the effects without affecting the entire City.

Code changes necessary to implement such regulation are:

Add to Chapter 1121, Definitions:

“Floor Area Ratio” means the ratio of the entire floor area of the main building except the area in a basement or cellar and including any garages, porches, patios, or other areas covered by a permanent roof, to the total area of the lot on which the building is located.

Add to Chapter 1149, R-3 Residential District, Area Requirements:

Maximum floor area ratio: 0.40

2. Variable Side Setback

A side setback minimum based on the width of the lot could ensure a greater setback on lots that have sufficient width for it not to be an unreasonable burden.

Increasing the current 5-foot side setback requirement in the R-3 district even a small amount would have a large impact on the architectural style of new construction and additions. It would have a lesser impact on lots in the other residential districts, where there is generally more width available for a designer to work with.

A scaled side-setback requirement of 10 percent would mean that the requirement would be 5-feet on a 50-foot lot or 8-feet on an 80-foot lot, measured at the building line. If this were applied to all residential districts, then the minimum side would be less than what is currently required for the narrower lots in the R-2 and R-3 districts, which is probably an undesirable result.

A scaled side setback greater than 10 percent is not advisable because of the reasons cited in a previous memo relative to building envelopes less than 40 feet wide. The risk of houses that are turned to face the side yard becomes greater as the width of the building envelope decreases.

The Code change necessary to implement such regulation is:

Modify Section 1149.05 (b) to:

Minimum width of side yard: 10 percent of the width of the lot at the front building line.

Attached to memo:

Floor Area Ratios, relative to minimum lot sizes in residential zoning districts
(in square feet)

	Min Lot Area	Floor Area Ratio (FAR)							
		0.50	0.45	0.40	0.35	0.30	0.25	0.20	0.15
R-3	6,250	3,125	2,813	2,500	2,188	1,875	1,563	1,250	938
R-2	15,000	7,500	6,750	6,000	5,250	4,500	3,750	3,000	2,250
R-1	20,000	10,000	9,000	8,000	7,000	6,000	5,000	4,000	3,000

Single-Family Housing Construction, 2004
(percentage of total square foot area)

	US	Midwest
Less than 1,200	4%	6%
Less than 1,600	21%	28%
Less than 2,000	42%	50%
Less than 2,400	60%	67%
Less than 3,000	79%	83%

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2006-24 by title only (it having been read in its entirety during the public hearing):

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-24

APPROVING A DEVELOPMENT PLAN UNDER CHAPTERS 1163 AND 1185 OF THE CODIFIED ORDINANCES FOR CONSTRUCTION OF A NEW FOUR-STORY HOTEL ON VACANT LAND AT 4300 GLENDALE-MILFORD ROAD (HILTON GARDEN INN)

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

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-24. Councilman Sumner explained that the Planning Commission did approve this project unanimously and that the applicant was very cooperative with the City in that they made a number of adjustments to address concerns. For example, changes were made to assure signage was not visible to the Fox Hollow neighborhood to the west. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-24 passed.

Councilman Sumner moved, Councilman Stacey seconded to set 7:00PM, Thursday, May 11, 2006 as hearing for consideration of an appeal by Al Neyer, Inc. of a Board of Zoning Appeals decision regarding signs at 4755 Lake Forest Drive. A voice vote was taken. All members voted yes. Motion carried.

Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk to read Ordinance No. 2006-33 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-33

AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT FOR THE PURCHASE OF A 100-FOOT AERIAL
PLATFORM VEHICLE FOR THE FIRE DEPARTMENT; AND
DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Czerwonka seconded to adopt Ordinance No. 2006-33. In addressing a question from Councilman Sumner, Treasurer Jim Pfeffer confirmed that the purchase of the fire truck at the authorized amount in the ordinance respects what was approved in the Final Budget. There being no further discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-33 passed.

Councilwoman Stoller asked the Clerk to read Ordinance No. 2006-34 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-34

AMENDING AND RE-ENACTING CHAPTER 1501 – OHIO FIRE CODE -
OF PART FIFTEEN – FIRE PREVENTION CODE OF THE CODIFIED
ORDINANCES OF BLUE ASH; AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Bryan seconded to adopt Ordinance No. 2006-34. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-34 passed.

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Ordinance No. 2006-32 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-32

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS
WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2006-3
FOR THE YEAR 2006 (AS SHOWN ON ATTACHMENT); AND
DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-32. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeses. Ordinance No. 2006-32 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2006-35 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-35

AMENDING SECTION 113.01 OF CHAPTER 113
(PROPERTY AND RECORDS) OF THE BLUE ASH CODE OF
ORDINANCES REGARDING THE DISPOSAL, SALE, OR

TRANSFER OF SURPLUS CITY-OWNED REAL AND
PERSONAL PROPERTY INTERESTS; AND DECLARING AN
EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-35. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-35 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2006-36 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-36

ESTABLISHING REQUIREMENTS FOR EMPLOYEE SURETY AND
PUBLIC EMPLOYEE NAME SCHEDULE BONDS; AND DECLARING
AN EMERGENCY

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

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2006-36. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-36 passed.

MISCELLANEOUS BUSINESS

Assistant City Manager David Waltz asked Council their intentions regarding the Memorial Day Parade, and after brief discussion, it was agreed the members would walk in the Parade. Councilman Bryan and Councilwoman Stoller will be absent, and it is likely that Councilman Sumner will also not be able to attend Memorial Day activities.

City Manager Marvin Thompson commented that Channel 19 News, sometime in May (though it is not known exactly when), plans to do a spotlight on Blue Ash sometime during their morning broadcast.

Councilman Sumner thanked fellow Council members for allowing his nephew Andy to sit with him during the meeting.

Councilman Sumner acknowledged receipt of the City Administration's memo (also spread in these minutes) addressing potential additional changes to the Code, though he does not believe they are the solution. He encouraged the Administration to continue looking at the issues; however, he does believe the ordinance should be passed as is, with continuing investigation for ideas for future changes.

Councilman Sumner expressed concern with the proposed process of selecting the next City Manager. He believes the process should be more competitive and, similar to the process currently underway for selection of a new Sycamore Schools Superintendent, that it should seek candidates from across the nation. Councilman Sumner moved, Councilman Stacey seconded to encourage a more competitive process to select the next City Manager, including utilization of resources such as the International City Management Association, Ohio Municipal League, and the National League of Cities. He suggested the position be posted and the City Administration, with perhaps a committee of citizens and business representatives, screen applications and make recommendations for Council. A roll call vote was requested and taken. Councilpersons Stoller, Weber, Czerwonka, Bryan, and Mayor Buckman voted no. Councilmen Sumner and Stacey voted yes. Five no's; two yeases. Motion failed.

Councilman Bryan commented that he likes the downtown plan and supports the principles described within it. He suggested that an Executive Summary, pulling out the concepts, be created and incorporated as a part of the plan and that the drawings be a part of an appendix. Councilman Weber commented that the plan is intended to include broad concepts to get the

“ball rolling” for continued progress in downtown. He reiterated that, as Mr. Waltz mentioned during the public hearing, the plan is not a blueprint. Its intention is to get dialogue started towards continued progress. Councilman Bryan commented that his concern is that the concepts discussed tonight, but perhaps not currently explained fully in the plan, may be lost in future years. After some discussion, it was suggested by City Manager Marvin Thompson that a position statement incorporating concepts discussed tonight by Council be drafted by the Administration for Council’s consideration and potential incorporation within the plan.

In addressing a comment from Councilman Czerwonka, Mr. Waltz stated that the downtown design standards will next need to be addressed, and the Administration is currently working with a consultant to make such recommendations. It is their hope that suggestions will be brought to the Planning Commission in June, with future consideration and vote by Council.

Councilman Stacey encouraged fellow Council members to attend the ground breaking ceremonies scheduled for Sunday, April 30th, for the Halom House project on Hunt Road. He also encouraged Council participation in the NECC Summit/educational seminar planned for May 1st at the Clarion addressing Meth use in the community.

Councilman Weber commented that he and Councilman Stacey recently met with several downtown business owners. He hopes that the points stressed tonight are understood by the public, including the idea that continued progress in downtown has to be a collaborative effort between the City and business owners. He stressed that any perception that the City desires to “run out” existing owners or turn property owners into renters or tenants is not true. Also, he stressed that this Council has no intentions of exercising eminent domain.

Mayor Buckman thanked citizens and business owners for taking the time tonight to be present to express their concerns.

EXECUTIVE SESSION

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

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

ADJOURNMENT

All items on the agenda having been acted upon, Councilman Sumner moved, Councilman Weber seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:55 PM.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council