

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on July 14, 2005. Mayor Rick Bryan called the meeting to order in Council Chambers at 7:30 PM.

OPENING CEREMONIES

Mayor Bryan led those assembled in the Pledge of Allegiance.

ROLL CALL

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

ALSO PRESENT: City Manager Marvin Thompson, Solicitor Mark Vander Laan, 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, Human Resources Officer Margaret Main, member of the press, and interested citizens

PUBLIC HEARING – 7:30PM – Consideration of the 2006 Tax Budget

Treasurer Jim Pfeffer explained that consideration of this budget is routine at this time of year and gives the Administration its first look at the 2006 estimated revenues and expenditures. The Tax Budget includes a modest increase in earnings tax revenues as well as expenditures. No further questions were presented from Council or the public, and the hearing was declared closed.

Mayor Bryan 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. Bryan 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 Czerwonka moved, Councilman Stacey 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 – 7:30 PM – Consideration of the 2006 Tax Budget

5. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS

6. ACCEPTANCE OF AGENDA

7. APPROVAL OF MINUTES

a. Regular Meeting of June 9, 2005

b. Work Session of June 30, 2005

8. COMMUNICATIONS

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

b. Reports From Outside Agencies

c. Mayor's Report – June 2005 – Honorable Rick Bryan

d. Financial Report – Motion to accept the report for June 2005

9. HEARINGS FROM CITIZENS

10. COMMITTEE REPORTS

a. Finance & Administration Committee, Mark F. Weber, Chairperson

1. Resolution No. 2005-6, expressing appreciation to Robert L. Nickol for his many years of service on the Civil Service Commission

2. Resolution No. 2005-7, adopting the 2006 Tax Budget

3. Resolution No. 2005-8, authorizing the filing of the Comprehensive Annual Financial Report (CAFR) with depositories

4. Ordinance No. 2005-41, transferring funds

5. Ordinance No. 2005-42, authorizing contract for 2006 Public Health services with Hamilton County

- 6 Ordinance No. 2005-43, amending Ordinance No. 2005-31 regarding professional planning services associated with the downtown master plan update
- 7. Motion authorizing payment of expenses associated with the National League of Cities Conference in December 2005
- 8. Motion authorizing the City Manager to forward a letter to the Sycamore Community School District of the City's intent to establish a TIF (Tax Increment Financing) District relating to a ±22 acre property at 9999 Carver Road
- b. Public Safety Committee, Stephanie Stoller, Chairperson
 - 1. Ordinance No. 2005-35, authorizing contract related to the Police impound lot
 - 2. Ordinance No. 2005-44, amending portions of Part Three (Traffic Code) and Part Five (General Offenses Code) of the Blue Ash Code of Ordinances
- c. Planning & Zoning Committee, James W. Sumner, Chairperson
 - 1. Motion setting 7:30PM, Thursday, September 8, 2005 as public hearing for consideration of a development plan for 5869 Cornell Road consisting of retail/office and single-family residential land uses (subject to approval of a rezoning request from R-3 Residential to C-2 Planned Commercial for .14 acre)

- 11. MISCELLANEOUS BUSINESS
- 12.EXECUTIVE SESSION – Property Acquisition
- 13. ADJOURNMENT”

APPROVAL OF MINUTES

Councilman Stacey moved, Councilman Weber seconded to approve the minutes of the regular meeting of June 9, 2005 and the work session of June 30, 2005. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

There were no communications to Council.

Reports From Outside Agencies

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

Mayor's Report – June 2005

RECEIPTS:	
Fines	\$31,293.00
Bonds & BMV fees carried over.....	\$300.00
Interest Earned.....	\$12.17
Bonds collected.....	\$1,004.00
TOTAL RECEIPTS:.....	\$32,609.17
DISBURSEMENTS:	
To Blue Ash (fines/costs/interest/Expungements/forfeitures)	\$21,642.17
To the State of OH.....	\$9,603.00
Refund of Overpaid Fine	\$ 60.00
Bond Money applied.....	\$234.00
Bond Money returned	\$120.00
BMV.....	\$15.00
TOTAL DISBURSEMENTS.....	\$31,659.17
BALANCE IN BONDS:.....	\$950.00
Mayor's Court traffic citations.....	246
Mayor's Court criminal citations	14
TOTAL.....	260
June Revenue from Mayor's Ct. Cases:	\$28,645.34

Financial Report – June 2005

Councilwoman Stoller moved, Councilman Stacey seconded to accept the Financial Report for June 2005 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 JUNE 30, 2005**

MONTH TO DATE	2004	2005
START OF MONTH FUND BALANCE: 6-1-05	\$11,720,002.24	\$11,866,346.21
Revenues:		
Earnings Tax Collections:	1,223,869.31	1,330,564.50
Debt Financing (long term)	0	0
Debt Financing (short term)	0	0
Other Revenue Received:	<u>795,309.33</u>	<u>773,490.91</u>
= Total Monthly Receipts	2,019,178.64	2,104,055.41
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	0	0
Other Expenditures:	<u>2,589,924.29</u>	<u>2,260,190.45</u>
= Total Monthly Expenditures:	<u>-2,589,924.29</u>	<u>-2,260,190.45</u>
ENDING FUND BALANCE: 6-30-05	11,149,256.59	11,710,211.17
	2004	2005
START OF YEAR FUND BALANCE:	\$9,092,894.75	14,622,289.87
Revenues:		
Earnings Tax Collections:	10,472,888.75	11,481,111.45
Debt Financing (long term)	0	0
Debt Financing (short term)	5,100,000.00	0
Other Revenue Received:	<u>4,903,759.93</u>	<u>4,902,438.46</u>
= Total Monthly Receipts	20,476,648.68	16,383,549.91
Expenditures:		
Bond Retirement	0	0
Short term debt refinancing	3,100,000.00	5,100,000.00
Other Expenditures:	<u>15,530,286.84</u>	<u>14,195,628.61</u>
= Total YTD Expenditures:	<u>-18,420,286.84</u>	<u>-19,295,628.61</u>
YTD FUND BALANCE	11,149,256.59	11,710,211.17

100% of the fund balance was invested as of 6-30-05. Interest paid to date on matured investments: \$127,021.05. Receipt and expenditure figures do not include interfund transfers.

**BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY
FOR MONTH ENDING JUNE 30, 2005**

MONTH-TO-DATE STATUS	2004	2005
Business Net Profit	109,331.47	234,543.74
Resident Net Profit	52,288.17	53,135.58
Non-Resident Net Profit	8,334.88	8,421.42
Subcontractor Net Profit	273.83	664.00
Net Profit Total	<u>170,228.35</u>	<u>296,764.74</u>
Withholding	1,047,422.48	1,029,269.18
Subcontractor Withholding	6,218.48	4,530.58
Withholding Total	<u>1,053,640.96</u>	<u>1,033,799.76</u>
Monthly Collection Totals	1,223,869.31	1,330,564.50
	2004	2005
YEAR-TO-DATE STATUS		
Business Net Profit	1,576,985.20	2,388,763.91
Resident Net Profit	411,849.52	470,167.21
Non-Resident Net Profit	130,278.42	139,867.51
Subcontractor Net Profit	11,319.27	12,049.71
Net Profit Total	<u>2,130,432.41</u>	<u>3,010,848.34</u>
Withholding	8,205,331.51	8,344,351.34
Subcontractor Withholding	137,124.83	125,911.77
Withholding Total	<u>8,342,456.34</u>	<u>8,470,263.11</u>
Year-to-date Collection Totals	10,472,888.75	11,481,111.45
Year-To-Date Refund Totals	<u>533,155.48</u>	<u>416,129.79</u>

HEARINGS FROM CITIZENS

No citizens wished to address Council.

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 July 14th Council Agenda:

10.a.1. Resolution No. 2005-6 - Expressing appreciation to Robert L. Nickol for his many years of service on the Civil Service Commission

Resolution No. 2005-6 expresses formal appreciation to Bob Nickol who retired from his long-time Civil Service Commission position effective July 1st. The resolution will be framed and presented personally to Bob who will be at the meeting.

Please direct questions regarding this resolution to the Mayor.

10.a.2. Resolution No. 2005-7 - Adopting the 2006 Tax Budget

In keeping with the requirements of the State of Ohio and the Hamilton County Auditor's Office, it is necessary for the City of Blue Ash to prepare a Tax Budget for 2006. A number of years ago, the outcome of this process would have been utilized to apportion how much of the State-funded Local Government Fund each of the entities within Hamilton County would receive. That allocation process is now governed by an alternative formula directing the distribution of these funds with no Tax Budget involvement. Although State law does require the annual preparation of a Tax Budget, the financial information contained within each budget is also utilized by the Hamilton County Auditor's Office (Budget & Settlement Division) to assure that cities are planning appropriately for the upcoming year, and that the revenue and expenditure projections are within reasonable limits based upon the information available at the time the budget is prepared.

As required, a legal notice appeared on June 15th advertising the availability of the Tax Budget for public inspection, and a public hearing regarding the Tax Budget will occur towards the beginning of the July 14th Council meeting. Following acceptance of the Budget by City Council, certified copies must be delivered to the County no later than July 20th. Although this process is of some benefit to the City in defining the broad parameters anticipated for the upcoming year, the Tax Budget process does not serve as a substitute for the more detailed Proposed Budget effort which the Finance Officer and Treasurer are beginning at this time.

A copy of the 2006 Tax Budget was mailed late last week for Council review. The format is determined by the State and the Auditor's Office, and includes actual performance or historical data for the accounting years 2003 and 2004. The estimates for 2005 generally are in conformance with the City's adopted 2005 Final Budget. However, in order to more accurately reflect the available resources for the City of Blue Ash for 2006, several adjustments were necessary in predicting closing balances for this year.

It is expected that the City will have an estimated \$3,216,040.00 General Fund carryover from the end of 2005 into 2006 – thus serving as a source of revenue in the upcoming year.

The 2006 Tax Budget reflects an estimated 2.4% overall increase (over projected 2005) in earnings tax collections. Most other revenue items were submitted utilizing information from the County and/or historical collection performance. Other General Fund revenue information is presented on page 3 of the Tax Budget.

Please direct questions regarding the Tax Budget to the Treasurer or the City Manager.

10.a.3. Resolution No. 2005-8 - Authorizing the filing of the Comprehensive Annual Financial Report (CAFR) with depositories

Resolution No. 2005-8 authorizes the Treasurer or Deputy Treasurer to file the 2004 Comprehensive Annual Financial Report (CAFR) with the Nationally Recognized Municipal Securities Information Repositories (NRMSIRs) and the State Information Depository for the State of Ohio (SID), as well as designated internet-based information databases.

Since the City issues certain municipal securities (bonds and notes), SEC Rule 15c2-12 requires the disclosure of current financial information to NRMSIRs and SID to facilitate the uniform availability of annual financial information and material event disclosures to secondary market participants (i.e., investors).

The trend at the national, regional, and local levels is toward greater standardization of governmental and municipal financial presentation and reporting, providing a more uniform basis of comparison and understanding relating to the operations of comparable organizations. These efforts have resulted in greater consistency in the preparation of CAFR's and official statements relating to the issuance of municipal securities. In the interest of continuing disclosure, it is appropriate that Council direct, via passage of this resolution, the Treasurer or Deputy Treasurer to file with the NRMSIRs and the Ohio SID a copy of the City's CAFR. Copies of the State Audit report, usually available at this time, will not be available for a number of weeks. The Audit report, and accompanying management letter, will be provided to Council upon its receipt from the Auditor's Office, and a copy of the 2004 CAFR.

Please direct any questions regarding this resolution to the Treasurer.

10.a.4. Ordinance No. 2005-41 - Transferring funds

The Finance Division and Treasurer are recommending a transfer ordinance be considered to modify the Final Budget as originally approved in January 2005. The proposed transfer, as summarized in the attachment to this ordinance, calls for the appropriation of additional revenues and expenditure to various accounts, the appropriation of revenue from an unappropriated fund balance in the DUI Enforcement Education Fund, and a transfer within an existing expenditure appropriation.

Overall, the additional expenditure items will be paid for utilizing a total of \$30,300 from the City's existing General Fund Contingency (currently at \$305,600) with the remainder "covered" utilizing additional revenue being recognized.

We are recommending the appropriation of \$84,000 in additional inheritance tax revenue (already collected), \$12,000 in additional OBBS permit fees (already collected), and an additional \$24,000 collected in the General Fund interest group. We also show a predicted (by year end) revenue increase of \$5,000 in the OBBS #930 restricted fund.

On the expenditure side, an additional \$10,000 is required in the Fire Department's maintenance of equipment account relating to necessary repairs to the "Telesquirt" 1998 Pierce pumper. Portions of the undercarriage and ladder support structure appear to be corroding, and repairs at the factory are necessary. Even though this truck is over seven years old, the Fire Department was successful in negotiating a 50% credit against the expected total

cost of \$20,000 for this repair.

A supplemental expenditure amount of \$110,000 appears to be necessary within the Community Development Professional Services area relating to contractual costs for NIC (National Inspection Corporation). The City's contract with NIC provides them a payment of 90% of the permit fees collected by the City through the Community Development office. Through the end of June, Community Development has collected permit fees of nearly \$150,000, which exceeds by over \$15,000 the total amount budgeted for all of 2005. Obviously, there must be a corresponding expenditure to NIC for 90% of that amount, and the need exists to provide expenditure appropriations for the remainder of 2005 in this category of expense as well.

Supplemental funding in the Recreation Center construction/capital area of \$28,500 is recommended. There were two components to this expense. \$8,500 is related to the predicted additional cost of the performing arts study approved at the last Council meeting that needed to be funded, and \$20,000 relates to the need to replace the main pool gas-fired water heater. This unit failed shortly after the pool opened this year, and expected repair costs were over 50% of the cost of full replacement. Given its age and current condition, the purchase of a new pool heater with accompanying piping improvements is recommended.

\$1,800 is requested for capital equipment in the Golf Course to pay for a new fire detection panel for the clubhouse. The current system dates to the original installation in 1978/79, and is beyond repair.

An expenditure of \$5,000 is anticipated out of the restricted DUI Enforcement Education Fund No. 289 to purchase a new intoxilyzer for the Police Department. This Fund receives revenue related to DUI-related offenses, and it would be appropriate to pay for this intoxilyzer expense from this Fund and the fund balance available.

Finally, in both the revenue and expenditure appropriation, a total of \$5,000 is shown relating to OBBS (Ohio Bureau of Building Standards) fees collected and remitted. According to State law, OBBS receives 3% of the City's collection for certain building permits, and given the over collection of revenue in that area, the need exists to adjust the appropriations for the remainder of 2005.

Please direct questions regarding the transfer to the Treasurer.

10.a.5. Ordinance No. 2005-42 - Authorizing contract for 2006 Public Health services with Hamilton County

Ordinance No. 2005-42 authorizes the City Manager to renew a contractual agreement with the Health District Advisory Council of the Hamilton County, Ohio, in order to provide for public health services through the Hamilton County Board of Health for calendar year 2006 for an amount not to exceed \$46,338.79. This figure represents an approximately \$1,500 increase ($\pm 3.4\%$) from the previous year's expense. The City of Blue Ash is one of twelve contracting cities that work through the Board of Health in addition to all villages and townships. The City of Blue Ash is annually assessed based upon a formula that takes into consideration the overall budget of the district and property valuation of each jurisdiction. Over the last 18 years, the City has experienced nine annual decreases in the assessment and nine increases.

The City of Blue Ash has been satisfied with the services offered by the Hamilton County Board of Health and the City Administration recommends renewal of the contract. The City is required by law to provide public health services and this contract enables the most cost-effective means as of this date for providing these services and satisfying the State of Ohio requirements.

Please direct any questions regarding the contract and administration of services to the City Manager.

10.a.6. Ordinance No. 2005-43 - Amending Ordinance No. 2005-31 regarding professional planning services associated with the downtown master plan update

Ordinance No. 2005-43 amends Ordinance No. 2005-31 regarding the professional downtown planning services with Menelaos Triantafyllou to reflect more clearly what the contract stipulated in terms of payment. The original ordinance authorized a flat amount of \$48,000; however, it did not include amounts or allowances for appropriate reimbursable expenses as well as for additional hourly services (if so approved and desired by the City). Therefore, Ordinance No. 2005-43 does not represent a change in amount (or project scope) as originally discussed with Council, but appropriately outlines for ordinance and payment purposes the exact intent of the contract.

Please direct questions regarding this ordinance to the Assistant City Manager.

10.a.7. Motion authorizing payment of expenses associated with the National League of Cities Conference in December 2005

This motion would appropriate authorize payment of expenses associated with Council member(s) attendance at the National League of Cities Conference in early December in Charlotte, North Carolina. To date, one Council member (Vice Mayor Buckman) has indicated a desire to attend.

10.a.8. Motion authorizing the City Manager to forward a letter to the Sycamore Community School District of the City's intent to establish a TIF (Tax Increment Financing) District relating to a +22 acre property at 9999 Carver Road

Although the process is complex, progress continues in our cooperative effort to assist Duke Realty in starting construction of the first of three office buildings on the 22-acre property on Carver Road (previously Whiting Manufacturing). Following a recent meeting attended by the City, representatives from Sycamore Schools, and related legal counsel, a presentation was made to the School Board at their work session of July 6th, and it appears that the project does have the Board's preliminary approval. We understand that the School Board will be considering formal approval at their upcoming July 20th meeting regarding this project and the special financing previously discussed.

The next step in this process would be for the City Administration to provide written formal notification to the Sycamore Schools that the City intends to establish a TIF (Tax Increment Financing) District on the approximate 22 acre site at 9999 Carver Road. The agenda reflects a motion seeking Council's authorization for the City Manager to forward that notice, and a draft is enclosed.

City Council's authorization to provide this notification, to commit to the process, and formal action and approval by the School Board, provides the basis for extensive document preparation on the part of the attorneys working on this process. We anticipate having all documentation finalized, and all agreements prepared, so that formal

legislation can be presented to Council at the August 11th meeting.

Please direct questions regarding this motion or process to the Assistant City Manager or the Treasurer.

10.b.1. Ordinance No. 2005-35 - Authorizing contract related to the Police impound lot

Ordinance No. 2005-35 authorizes a contract related to the continued lease of the existing Police impound lot located off Carlyn Drive. The Department currently leases this property from PR Collins, LLC (i.e., Collins Construction). The ordinance would authorize a monthly fee of \$3,300 for the next two-year period (from August 1, 2005 through July 31, 2007). This represents a \$200 per month increase over the previous contract period. The Police have been pleased with this impound arrangement and recommend approval of this contract. The Solicitor's Office has been involved with finalization of the lease agreement with Collins.

Please direct questions regarding this ordinance to Police Captain Jim Schaffer at 745-8459 or to the Treasurer.

10.b.2. Ordinance No. 2005-44 - Amending portions of Part Three (Traffic Code) and Part Five (General Offenses Code) of the Blue Ash Code of Ordinances

Ordinance No. 2005-44 amends several sections of both the Traffic Code and General Offenses Code of the Codified ordinances. These changes, which have been reviewed and recommended by both the Police Administration as well as the Solicitor's Office, relate to related changes in the Ohio Revised Code, with such updates typically made at least once a year. The individual changes and related descriptions are described in detail for Council's benefit via copy of a letter included within Council packets from the Solicitor's Office (addressed to Captain Robert Lilley). The attachment to this ordinance (numerous pages) has been included with the Clerk of Council's ordinances for the official records; however, for the sake of saving a large amount of paper, the formal attachment has not been included with Council's ordinances. If you would like a copy of the formal Code pages which serve as that attachment, please feel free to call Sue at 745-8510.

Please direct questions regarding this ordinance to the Solicitor.

10.c.1. Motion setting 7:30PM, Thursday, September 8, 2005 as public hearing for consideration of a development plan for 5869 Cornell Road consisting of retail/office and single-family residential land uses (subject to approval of a rezoning request from R-3 Residential to C-2 Planned Commercial for .14 acre)

The City is in receipt of development plans for property at 5869 Cornell. The plan, reviewed by Planning Commission at the July 7th meeting and scheduled for the next Board of Site/Zoning Appeals meeting, involves a planned development for a 2.7 acre site containing retail/office and single-family residential land uses and a request to rezone a .14 acre strip of land from R-3 to C-2 subject to said plan. More information will be available and presented at the public hearing, which would be appropriately set by this motion, on September 8th.

Finance & Administration Committee, Mark F. Weber, Chairperson

Councilman Weber asked the Clerk to read Resolution No. 2005-6 in its entirety.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

RESOLUTION NO. 2005-6

EXPRESSING SINCERE APPRECIATION AND GRATITUDE TO
ROBERT L. NICKOL FOR HIS MANY YEARS OF SERVICE ON THE
BLUE ASH CIVIL SERVICE COMMISSION

Councilman Weber moved, Councilwoman Stoller seconded to adopt Resolution No. 2005-6. Councilman Stacey complimented Mr. Nickol as to how good an example he set for himself when he first started serving as a Civil Service Commission member. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Seven yeases. Resolution No. 2005-6 passed.

Mayor Bryan presented Bob Nickol and his wife Barb with a framed copy of the resolution of appreciation. He thanked Mr. Nickol for his many years of dedicated service and looks forward to seeing him many years ahead in Blue Ash. Mr. Nickol thanked Council and the Administration, including Human Resources Officer Margaret Main who was present at the meeting.

Councilman Weber asked the Clerk to read Resolution No. 2005-7 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2005-7

A RESOLUTION ADOPTING A 2006 TAX BUDGET

Councilman Weber moved, Councilwoman Stoller seconded to adopt Resolution No. 2005-7. There being no discussion, the Clerk called the roll. Councilpersons Buckman, Stacey, Czerwonka, Stoller, Weber, Sumner, and Mayor Bryan voted yes. Seven yeases. Resolution No. 2005-7 passed.

Councilman Weber asked the Clerk to read Resolution No. 2005-8 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2005-8

AUTHORIZING THE TREASURER OR DEPUTY TREASURER TO FILE

THE 2004 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)
WITH THE NATIONALLY RECOGNIZED MUNICIPAL SECURITIES
INFORMATION REPOSITORIES (NRMSIRs) AND THE STATE
INFORMATION DEPOSITORY FOR THE STATE OF OHIO (SID) IN
THE FORM BEFORE CITY COUNCIL

Councilman Weber moved, Councilman Czerwonka seconded to adopt Resolution No. 2005-8. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, Sumner, Buckman, and Mayor Bryan voted yes. Seven yeases. Resolution No. 2005-8 passed.

Councilman Weber asked the Clerk to read Ordinance No. 2005-41 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-41

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS
WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2005-3
FOR THE YEAR 2005 (AS SHOWN ON ATTACHMENT); AND
DECLARING AN EMERGENCY

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

Councilman Weber moved, Councilman Stacey seconded to adopt Ordinance No. 2005-41. In addressing a question from Councilman Stacey, City Manager Thompson confirmed that the \$8,500 being transferred related to the study for the potential performing arts center is that already explained by Mr. Thompson in a former meeting (not additional funds more than explained). There being no further discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Sumner, Buckman, Stacey, Czerwonka, and Mayor Bryan voted yes. Seven yeases. Ordinance No. 2005-41 passed.

Councilman Weber asked the Clerk to read Ordinance No. 2005-42 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-42

AUTHORIZING THE CITY MANAGER TO RENEW A CONTRACT
WITH THE DISTRICT ADVISORY COUNCIL OF THE HAMILTON
COUNTY, OHIO, GENERAL HEALTH DISTRICT FOR PUBLIC
HEALTH SERVICES FOR CALENDAR YEAR 2005 FOR AN AMOUNT
NOT TO EXCEED \$46,338.79; AND DECLARING AN EMERGENCY

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

Councilman Weber moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-42. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Seven yeases. Ordinance No. 2005-42 passed.

Councilman Weber asked the Clerk to read Ordinance No. 2005-43 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-43

AMENDING SECTION I OF ORDINANCE NO. 2005-31
REGARDING PROFESSIONAL URBAN DESIGN AND PLANNING
SERVICES ASSOCIATED WITH THE UPDATING OF THE
DOWNTOWN MASTER PLAN; AND DECLARING AN EMERGENCY

Councilman Weber moved, Councilwoman Stoller seconded to suspend the rules of Council requiring a second reading of the ordinance. The Clerk called the roll. Councilpersons Buckman,

Stacey, Czerwonka, Stoller, Weber, Sumner, and Mayor Bryan voted yes. Seven yeases. Motion carried.

Councilman Weber moved, Councilman Stacey seconded to adopt Ordinance No. 2005-43. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, Sumner, Buckman, and Mayor Bryan voted yes. Seven yeases. Ordinance No. 2005-43 passed.

Councilman Weber moved, Councilwoman Stoller seconded to authorize the payment of expenses associated with Council member(s) attendance the National League of Cities Conference in December 2005. A voice vote was taken. All members voted yes. Motion carried.

Councilman Weber moved, Councilwoman Stoller seconded to authorize the City Manager to forward a letter to the Sycamore Community School District of the City's intent to establish a TIF (Tax Increment Financing) District relating to a ±22 acre property at 9999 Carver Road. A voice vote was taken. All members voted yes. Motion carried. Assistant City Manager Waltz explained that the Administration has met with the Sycamore Schools (including legal counsel) regarding this issue, and the proposed arrangement is that which the Schools are most comfortable. It will be necessary for the Sycamore School Board to formally approve this agreement, and this approval is expected to occur at their next meeting on July 20th. It is not required that other entities benefiting from property taxes approve the creation of a TIF district, and for a specified period of time, those entities would lose any increase in property taxes due to the increased value of the improvement, including the City of Blue Ash (though they will not receive any less tax revenue than before the improvement). The incremental taxes due to the property value improvement would be put towards the construction debut for the garages. Given this proposed TIF agreement, the School District would be receiving approximately 95% of the property tax revenues (compared to if the TIF Agreement was not in place), making them "almost whole." Other arrangements, including the creation of a Community Reinvestment Area, were investigated and would have resulted in substantially less property tax funding for the School District. Regarding the parking garages, the TIF arrangement would require the developers to maintain the parking garages during their lifetime. Councilman Sumner commented that it is good to finally see development of this currently vacant parcel move forward.

Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk to read Ordinance No. 2005-35 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-35

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PR COLLINS INVESTMENT, LLC FOR LEASE OF PROPERTY UTILIZED FOR THE POLICE IMPOUND LOT FOR AN AMOUNT NOT TO EXCEED \$3,300 PER MONTH FOR A TWO YEAR PERIOD (AUGUST 1, 2005 THROUGH JULY 31, 2007); 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, Stoller, Weber, Sumner, Buckman, Stacey, and Mayor Bryan voted yes. Seven yeases. Motion carried.

Councilwoman Stoller moved, Councilman Stacey seconded to adopt Ordinance No. 2005-35. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Sumner, Buckman, Stacey, Czerwonka, and Mayor Bryan voted yes. Seven yeases. Ordinance No. 2005-35 passed.

Councilwoman Stoller asked the Clerk to read Ordinance No. 2005-44 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-44

AMENDING AND ENACTING CERTAIN SECTIONS OF PART 3 TRAFFIC CODE AND PART 5 GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, OHIO, INCORPORATING CHANGES IN STATE LAW AND OTHER RELATED PROVISIONS; AND DECLARING AN EMERGENCY

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

Councilwoman Stoller moved, Councilman Stacey seconded to adopt Ordinance No. 2005-44. In addressing a question from Councilman Sumner, Solicitor Mark Vander Laan commented that the changes do relate to changes in State law, making sure Blue Ash Code is consistent, with some of the more substantive changes relating to the traffic code. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Seven yeases. Ordinance No. 2005-44 passed.

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner moved, Councilwoman Stoller seconded to set 7:30PM, Thursday, September 8, 2005 as public hearing for consideration of a development plan for 5869 Cornell Road consisting of retail/office and single-family residential land uses (subject to approval of a rezoning request from R-3 Residential to C-2 Planned Commercial for .14 acre). A voice vote was taken. All members voted yes. Motion carried. Councilman Sumner commented that Planning Commission did review and approve this project earlier this month, and he commented that the proposed building is quite attractive. Mr. Sumner was also pleased to see new affordable single-family homes as a part of the development plan.

MISCELLANEOUS BUSINESS

City Manager Thompson commented that it is the Administration's belief that it would be advantageous for Blue Ash to enhance the Police Officers' ability to restrain a potentially violent suspect by allowing the purchase of taser weapons (including required training) via use of \$50,000 from the Contingency.

Police Captain Bob Lilley further explained that the Police Administration reviewed the last ten apprehensions of potentially violent suspects (which occurred within the past approximate four months). In five of those instances, the Police officer ended up injured. In these instances, it would be fair to say that the use of a taser would have been appropriate. Use of such weapons ends confrontation without injury to either the Officer or the suspect. These weapons are used by over 7,000 agencies across the nation, including many jurisdictions in this area, including Sharonville, Loveland, Forest Park, and others. In addressing a question from Councilman Czerwonka, Captain Lilley explained that the taser is worn on the belt of the officer, and all officers would carry the taser. The estimated price of \$50,000 includes the weapon, required accessories to allow it to be attached to the belt, and training. Mr. Thompson commented that unless there is objection from Council, an ordinance would be presented at the next regular Council meeting (August 11th). Council would be asked to waive bidding procedures as there is seemingly only one manufacturer of this weapon, representing the highest quality as viewed by the police community. No Council member expressed objection.

Assistant City Manager David Waltz introduced Human Resources Officer Margaret Main, who was present at the meeting.

Councilman Sumner commented that a neighbor has asked if he could perform a marriage ceremony on September 10th. He asked Council if he could be appointed Vice Mayor for the day to allow him to accommodate this request. It was mentioned that similar accommodations have been made in the past for Councilman Biedermann. With there being no problems expressed by Council, the Administration will plan to present legislation at the August 11th meeting.

In addressing a question from Councilman Czerwonka, Service Director Denny Albrinck commented that the Reed Hartman Highway project is complete except for one area near P&G where a manhole is scheduled to be installed. Mr. Albrinck estimated that this section will most likely not be done until late August; however, due to this delay, the City may be able to collect

penalties from the contractor.

Councilman Czerwonka commented that a large tree has fallen at Pfeiffer Woods Park. Parks staff will take care of this.

Vice Mayor Buckman complimented the completion of the Blue Ash/Hunt Roads railroad improvements. Mr. Albrinck commented that he is currently working with the contractor regarding the additional eight feet (at the ends of the improvement) that should have been installed to allow more efficient pedestrian traffic movement.

Mayor Rick Bryan recognized Firefighter Steve Ludmann, also present at tonight's meeting, and complimented the fire department staff for their fine service to the community.

EXECUTIVE SESSION

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

After matters pertaining to property acquisition and personnel matters were discussed, Councilman Sumner moved, Councilman Weber 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 8:44 PM.

Rick Bryan, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council