

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on September 11, 2007. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at 7:00 PM.

OPENING CEREMONIES

Mayor Buckman led those assembled in the Pledge of Allegiance.

ROLL CALL

MEMBERS PRESENT: Councilman Rick Bryan, Mayor Robert Buckman, Councilman Lee Czerwonka, Councilman Henry Stacey, and Vice Mayor Mark Weber

MEMBERS ABSENT: Councilwoman Stephanie Stoller (though she later arrived at the Executive Session at approximately 8:40PM) and Councilman James Sumner

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

ALSO PRESENT: City Manager David Waltz; Solicitor Mark Vander Laan; Clerk of Council Jamie Eifert; Deputy Clerk of Council Sue Bennett; Parks & Recreation Director Chuck Funk; Service Director Dennis Albrinck; Fire Chief Rick Brown; Police Captains Jim Schaffer and Bob Lilley, and other Police officers; Recreation/Sports Superintendent Kathy Swensen; Assistant to the City Manager Kelly Osler; member of the press; and interested citizens

PRESENTATION OF CHECK / DONATION FROM THE MATT HAVERKAMP FOUNDATION

Mr. and Mrs. Haverkamp, founders of the Matt Haverkamp Foundation, were in attendance to present a \$5,200 check to the City of Blue Ash. This Foundation was founded by the Haverkamp Family in memory of their son, Matt, who died suddenly in an automobile accident in 2005. Matt was a Golf Manor K-9 Handler/Police Officer. The Haverkamps founded this non-profit organization in honor of their son and his passion for his profession. Earlier this year, the Haverkamps designated that the proceeds for this year's foundation events (a 5K run in April and a golf outing in July) would be directed to Blue Ash to help fund a replacement K-9, as Officer Chris Zielinski's previous partner/dog had to be put to sleep for medical reasons earlier this year. A replacement dog has since been found and trained, and is now in service for Blue Ash. Officer Chris Zielinski and his new K-9 partner, Nico, were in attendance at this evening's meeting.

After the check presentation, photos of the Haverkamps, Officer Zielinski, Captain Schaffer, and Nico were taken. Council thanked the Haverkamps for their generous contribution and complimented their efforts with the Foundation in honor of their son.

BEAUTIFICATION WEEK AWARD PRESENTATIONS

Councilman Lee Czerwonka briefly explained the Beautification Week award process and presented those in attendance at the meeting with their decorative stepping-stone and yard sign awards. This year's selections included:

- Mayor's Choice: Sherri Warshaw, 10350 Ryan's Way
- People's Choice: The Remaklus Family, 10293 Ryan's Way
- Committee's Choice: The Yasbeck Family, 10116 Kenwood Road

Other Finalists:

- The Crusham Family, 10171 Zig Zag Road
- The Leitner Family, 3835 Blackwood Court
- Kathy Kishpough, 4290 Fox Hollow Drive
- The Owens Family, 1 Muirfield Court

- The Payne Family, 10883 Fallsington Court
- Sharon Castor, 4900 Kenridge Drive
- The Fowls Family, 10868 Fallsington Court
- Corporate Business Award: Toyota, Creek & Reed Hartman Highway
- Small Business Award: Towne Square Animal Clinic, Towne Square Avenue

Council, the Administration, and the audience applauded all the awardees. Mayor Buckman, on behalf of all of Council, thanked the residents for their hard work, especially during this most difficult and especially dry growing season.

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.

ACCEPTANCE OF AGENDA

Councilman Bryan moved, Councilman Czerwonka seconded to accept the agenda. A voice vote was taken. All members present voted yes. Motion carried.

“1. MEETING CALLED TO ORDER

2. OPENING CEREMONIES

3. ROLL CALL - Clerk of Council Jamie K. Eifert

4. PRESENTATION OF CHECK / DONATION FROM THE MATT HAVERKAMP FOUNDATION

5. BEAUTIFICATION WEEK AWARD PRESENTATIONS

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

7. ACCEPTANCE OF AGENDA

8. APPROVAL OF MINUTES

a. Regular Meeting of August 9, 2007

9. COMMUNICATIONS

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

b. Reports From Outside Agencies

c. Mayor's Report – August 2007 – Honorable Robert J. Buckman, Jr.

d. Financial Report – Motion to accept the report for August 2007

10. HEARINGS FROM CITIZENS

11. COMMITTEE REPORTS

a. Finance & Administration Committee, Rick Bryan, Chairperson

1. Ordinance No. 2007-40, authorizing Tax Incremental Financing agreement associated with the Kroger property at 4100 Hunt Road

2. Ordinance No. 2007-41, establishing a records retention commission

3. Ordinance No. 2007-42, amending sections of the Blue Ash Code relating to records retention/commission

b. Public Works Committee, Henry S. Stacey, Chairperson

1. Ordinance No. 2007-43, awarding bid for the West Hunt Road Path Project

2. Ordinance No. 2007-44, awarding bid for the purchase of rock salt

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

1. Motion setting 7:00PM, Thursday, October 11, 2007 as hearing regarding a decision of the Board of Zoning Appeals regarding property at 5200 Donjoy Drive

2. Motion setting 7:05PM, Thursday, October 11, 2007 as hearing for consideration of Ordinance No. 2007-47 regarding a special permit for Steve Locke, Locke's Heating & Cooling, 9206 Floral Avenue, for a new sign facing Blue Ash Road at a non-conforming commercial use in an R-3 Residential district

d. Public Safety Committee, Stephanie Stoller, Chairperson

1. Ordinance No. 2007-45, authorizing the sale of a 1987 Mack Fire Truck and purchase of new utility vehicle and related equipment

- 2. Ordinance No. 2007-46, amending portions of the Blue Ash Code of Ordinances relating to Traffic and General Offenses
- 3. Resolution No. 2007-12, establishing hours for trick-or-treat activities in Blue Ash

- 12. MISCELLANEOUS BUSINESS
- 13. EXECUTIVE SESSION – Litigation & Property Acquisition
- 14. ADJOURNMENT”

APPROVAL OF MINUTES

Councilman Bryan moved, Councilman Weber seconded to approve the minutes of the regular meeting of August 9, 2007. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

Mayor Buckman read a letter addressed to Council from Bluewing Terrace resident Cecelia Kloecker offering complimentary comments regarding assistance and responsiveness provided to her over the past several years from Public Information Officer Sue Bennett.

Reports From Outside Agencies

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

Mayor's Report – August 2007

RECEIPTS:

Fines.....	\$ 19,360.00
Bonds & BMV fees carried over	\$ 100.00
Interest Earned.....	\$7.10
Bonds collected	<u>\$550.00</u>
TOTAL RECEIPTS:.....	\$20,017.10

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/Expungements/forfeitures).....	\$14,902.10
To the State of OH	\$4,520.00
Refund of Overpaid Fine.....	\$30.00
Bond Money applied	\$500.00
Bond Money returned	\$0.00
BMV.....	<u>\$15.00</u>
TOTAL DISBURSEMENTS	\$19,967.10

BALANCE IN BONDS:.....	\$50.00
Mayor's Court traffic citations	149
Mayor's Court criminal citations.....	33
Total Mayor's Court cases	182
August rev. from Mayor's Ct. Cases:.....	\$14,902.10

Financial Report – August 2007

Councilman Czerwonka moved, Councilman Bryan seconded to accept the Financial Report for August 2007 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

CITY OF BLUE ASH FINANCIAL POSITION STATEMENT - MONTH ENDING AUGUST 31, 2007

MONTH TO DATE	2006	2007
START OF MONTH FUND BALANCE: 8-1-07	\$13,672,829.92	\$17,394,903.05
<u>Revenues:</u>		
Earnings Tax Collections:	1,522,109.37	1,977,089.66
Debt Financing (long term)	0	9,975,000.00
Debt Financing (short term)	0	0
Other Revenue Received:	803,739.04	837,936.72
= Total Monthly Receipts	2,325,848.41	12,790,026.38
<u>Expenditures:</u>		
Bond Retirement	0	\$1,000,000.00
Short term debt refinancing	0	0
Other Expenditures:	2,134,083.45	2,880,788.20
= Total Monthly Expenditures:	-2,134,083.45	-3,880,788.20
ENDING FUND BALANCE: 8-31-07	13,864,594.88	26,304,141.23
YEAR TO DATE	2006	2007
START OF YEAR FUND BALANCE:	12,916,635.98	17,286,456.32
<u>Revenues:</u>		
Earnings Tax Collections:	15,546,056.17	18,333,932.14
Debt Financing (long term)	0	9,975,000.00
Debt Financing (short term)	0	0
Other Revenue Received:	6,891,860.36	7,424,000.11
= Total Monthly Receipts	22,437,916.53	35,732,932.25
<u>Expenditures:</u>		
Bond Retirement	0	1,000,000.00
Short term debt refinancing	0	0
Other Expenditures:	21,489,957.63	25,715,247.34
= Total YTD Expenditures:	-21,489,957.63	-26,715,247.34
YTD FUND BALANCE	13,864,594.88	26,304,141.23

100% of the fund balance was invested as of 8-31-07. Interest paid to date on matured investments: \$533,834.08. Receipt and expenditure figures do not include interfund transfers.

BLUE ASH INCOME TAX DIVISION INCOME TAX RECEIPT SUMMARY FOR MONTH ENDING AUGUST 31, 2007

MONTH-TO-DATE STATUS	2006	2007
Business Net Profit	84,790.48	110,426.44
Resident Net Profit	32,633.86	44,968.42
Non-Resident Net Profit	8,970.07	6,850.78
Subcontractor Net Profit	407.24	67.91
Net Profit Total	126,801.65	162,313.55
Withholding	1,367,359.85	1,769,727.61
Subcontractor Withholding	27,947.87	45,048.30
Withholding Total	1,395,307.72	1,814,775.91
Monthly Collection Totals	1,522,109.37	1,977,089.46
YEAR-TO-DATE STATUS	2006	2007
Business Net Profit	3,251,532.71	2,382,953.74
Resident Net Profit	598,926.57	731,751.07
Non-Resident Net Profit	165,536.22	191,726.33
Subcontractor Net Profit	18,730.99	46,751.70
Net Profit Total	4,034,726.49	3,353,182.84
Withholding	11,290,714.75	14,630,999.11
Subcontractor Withholding	220,614.93	349,750.19
Withholding Total	11,511,329.68	14,980,749.30
YTD Collection Totals	15,546,056.17	18,333,932.14
YTD Refund Totals	518,912.66	1,228,975.67

HEARINGS FROM CITIZENS

Jim Dyer, 5275 Myerdale Drive, commented on a recent letter he sent (via E-mail) to Council and the Planning Commission regarding his neighbor's plans to split his residential lot and to build a large home in the back yard. (Council indicated they did receive the E-mail.) Mr. Dyer read excerpts from the letter. He expressed concerns in Council's continued lack of interest in listening to residents and Council's apparent lack of interest in protecting the character of existing neighborhoods such as his by allowing such infill construction.

Hearings from Citizens was declared closed at approximately 7:20PM.

COMMITTEE REPORTS

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

“The following offers a brief description of the topics included on the September 11th Council Agenda:

4. Presentation of Check / Donation from the Matt Haverkamp Foundation

The Matt Haverkamp Foundation is a foundation established by the Haverkamp Family in memory of their son, Matt, a Golf Manor K-9 handler Police Officer who passed away suddenly in 2005 after an auto accident. The Foundation announced earlier this year that proceeds from their 2007 events, including a 5K run in April and a golf outing in July, would be directed towards a replacement Blue Ash Police K-9 handled by Officer Chris Zielinski. Officer Zielinski's previous K-9 partner, Ozzy, had to be put to sleep earlier this year due to medical complications. Officer Zielinski has since received and been trained with the newest Blue Ash Police K-9, Nico.

Members of the Haverkamp Family will be present at Tuesday's meeting to present a check for \$5,200 towards the cost of acquiring and training Nico. Officer Zielinski and Nico will also be at the meeting.

5. Beautification Week Award Presentations

Beautification Week awards will be presented at Tuesday's meeting. Beautification Week judging took place the week of June 4th by the committee. Judging was based upon nominations received from the community, and this year we received over 70. The judges viewed each of those properties, with the criteria being overall upkeep and maintenance of property, type of plantings used, type of color combinations used, overall lawn area maintenance, and overall tree maintenance. The People's Choice was the result of voting by citizens. Photographs of the properties were posted at both the Recreation Center and the Golf Course so residents could vote on their favorite property, with voting taking place the week of June 18th. Over 125 votes were received for People's choice.

Those to be presented with awards, with many expected to be present at Thursday's meeting, include those listed below. All will be presented with stepping stone awards for placement in their garden areas:

- Mayor's Choice: Sherri Warshaw, 10350 Ryan's Way
- People's Choice: The Remaklus Family, 10293 Ryan's Way
- Committee's Choice: The Yasbeck Family, 10116 Kenwood Road

Other Finalists:

- The Crusham Family, 10171 Zig Zag Road
- The Leitner Family, 3835 Blackwood Court
- Kathy Kishpaugh, 42909 Fox Hollow Drive
- The Owens Family, 1 Muirfield Court
- The Payne Family, 10883 Fallsington Court
- Sharon Castor, 4900 Kenridge Drive
- The Fowls Family, 10868 Fallsington Court
- Corporate Business Award: Toyota, Creek & Reed Hartman Highway
- Small Business Award: Towne Square Animal Clinic, Towne Square Avenue

Please direct questions regarding Beautification week to Councilman Czerwonka.

11.a.1. Ordinance No. 2007-40 - Authorizing Tax Incremental Financing agreement associated with the Kroger property at 4100 Hunt Road

As discussed at the June 14th Council meeting, City staff has been investigating the potential for employing tax increment financing upon the new Kroger store at 4100 Hunt Road. The public purpose of the TIF would be to provide annual supplemental funding for traffic improvements for the Hunt and Plainfield Roads intersection. The Kroger Company, as the tenant, and the property owner, KM Blue Ash Development Company (Gershenson Realty), each expressed support for the project, as the phased public improvements (lane reconfiguration and widening, traffic control, etc. . .) will directly benefit the property.

The proposed TIF Ordinance No. 2007-40 exempts 100% of the new private improvements (the store and related facilities) from property tax for 30 years. Payments in Lieu of Taxes (P.I.L.O.T.s) will be paid by the tenant or the owner to Hamilton County each year, and the Sycamore Community School

District will receive the same amount of revenue that they would have received if the TIF were not in place. In other words, the Sycamore Community School District will be made 100% whole. A conservative estimate of annual City revenue from this project is \$21,000, with the first P.I.L.O.T. payment expected in 2009. It is the City's hope that this will be the first of several future small TIF projects within the Plainfield corridor as redevelopment occurs. All funds received from this TIF must be utilized for the purpose of improving traffic flow and safety within the vicinity of the intersection of Hunt and Plainfield Roads.

As required by the Ohio Revised Code, the Sycamore Community School District received notification 14 days in advance of Council's intent to consider the ordinance. Because the School District will be made whole, the City of Blue Ash was not required to provide a 45-day notice, and no formal action was required by their Board. Moreover, no Tax Incentive Agreement will be needed between the City and the School District as they will receive their annual payments directly from the County Auditor. However, a service agreement is required between the owner and the City, and a draft of that document is currently being reviewed by the owner.

There will be no bonds or notes issued related to this TIF, as all planned traffic improvements are intended to be funded by the City of Blue Ash, with reliance upon any available grants or support programs. However, a new fund will have to be created within the city's accounting structure to accommodate the receipt of TIF payments and the expenditure of funds for traffic improvements.

Should there be any questions about this ordinance, please contact Kelly Osler at 745-8503 or the Treasurer.

11.a.2. Ordinance No. 2007-41 - Establishing a records retention commission

Ordinance Nos. 2007-41 and 2007-42 relate to legislation enacted by the State of Ohio Legislature (House Bill 9, 126th Assembly) which affects a public office's rights and responsibilities with respect to public records. In response to and in compliance with this legislation, the Administration suggests the creation of a Public Records Commission (Ordinance No. 2007-41) as well as a minor amendment to Chapter 113 of the Blue Ash Code relating to this legislation (Ordinance No. 2007-42). Also in response to this Bill, Blue Ash intends to revamp its public records policy and align current department record retention schedules under one central document. A number of Blue Ash staff members representing all departments of the City will be involved with this effort.

Ordinance No. 2007-41 formally authorizes establishment of a records retention commission for Blue Ash to be in compliance, with all respects, to the applicable section of the ORC. Among other provisions, the ORC defines the commission's membership to include the City Manager (or his appointed representative - Kelly) as chairperson, a chief fiscal officer (Sherry), a chief legal officer (Bryan), and a citizen appointed by the City Manager (yet to be determined by the City Manager).

Since the legislation goes into effect September 29th, both Ordinance Nos. 2007-41 and 42 are written in "emergency" form to be in effect upon passage. Please direct questions regarding this ordinance to the Assistant to the City Manager (745-8503).

11.a.3. Ordinance No. 2007-42 - Amending sections of the Blue Ash Code relating to records retention/commission

As noted within Item 11.a.2. above, a change in State legislation suggests necessary minor changes to Section 113 of the Blue Ash Code. The Administration has been working with the Solicitor's office, who recommends Section 113.02 be amended to read as shown below (mark-ups show changes from the existing Code language):

All records ~~and~~ or documents of the City not otherwise required to be retained under the records retention schedule established by the Records Commission ~~may~~ shall be destroyed or otherwise disposed of ~~as the City Manager may determine from time to time.~~

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

11.b.1. Ordinance No. 2007-43 - Awarding bid for the West Hunt Road Path Project

Over the years, requests have been made to improve the five-foot wide blacktop bike path on Hunt Road running from Bluewing Terrace up to the west exit at Kroger. The City had plans prepared for the construction of an eight-foot wide concrete sidewalk/bike path, along with curb and gutter to tighten up this area, provide better drainage, and provide a wider area for both pedestrians and bicyclist. A curb, gutter, and eight-foot sidewalk was also planned for the area on the south side of the street in front of the Chabad Jewish Center and just east of the Geier Group Home.

Plans and specs for this project were developed by CDS Associates. The project was advertised in

the **Cincinnati Enquirer** on Monday, August 27, 2007, and bids were publicly opened and read aloud on Thursday, September 6. Bids were received from Trend Construction and Hendy Inc., and both were responsive to the City's requirements. The bids were reviewed by the Service Director and staff. It is recommended that the award be given to Trend Construction.

Please direct questions regarding this ordinance to the Service Director.

11.b.2. Ordinance No. 2007-44 - Awarding bid for the purchase of rock salt

The City advertised in the *Northeast Suburban Life-Press* on August 1, 2007 and sent notices to seven suppliers of highway rock salt throughout the country. Four bids were received and opened on August 15, 2007, all of which were responsive to the City's requests and requirements. The Service Director has reviewed the bids and recommends that the City Manager be authorized to enter into an agreement with Cargill Incorporated - Deicing Technology Business Unit, 24950 Country Club Boulevard, Suite 450, North Olmsted, OH 44070 as their bid was the best and most responsive based upon quality, service, performance record, and price.

Any questions concerning this ordinance should be directed to the Service Director.

11.c.1. Motion setting 7:00PM, Tuesday, October 11, 2007 as hearing regarding a decision of the Board of Zoning Appeals regarding property at 5200 Donjoy Drive

A request to appeal a Board of Zoning Appeals decision made on August 13th has been filed relating to a variance granted by the Board concerning lot size (width) for a new single family residence proposed for construction at 5200 Donjoy Drive. Past practice for similar matters suggests that Council formally set a hearing to consider this matter, and the next regular Council meeting is October 11th. More details will be provided to Council prior to this hearing.

Please direct questions regarding this matter to the Assistant Community Development Director at 745-8528.

11.c.2. Motion setting 7:05PM, Tuesday, October 11, 2007 as hearing for consideration of Ordinance No. 2007-47 regarding a special permit for Steve Locke, Locke's Heating & Cooling, 9206 Floral Avenue, for a new sign facing Blue Ash Road at a non-conforming commercial use in an R-3 Residential district

A request for a new sign at a non-conforming commercial use in an R-3 Residential district (9206 Floral Avenue) has been received and reviewed by Planning Commission at its September 6th meeting. This motion would appropriately set the required hearing for such a request and related ordinance. More information will be provided to Council prior to this hearing.

Please direct questions regarding this matter to the Assistant Community Development Director at 745-8528.

11.d.1. Ordinance No. 2007-45 - Authorizing the sale of a 1987 Mack Fire Truck and purchase of new utility vehicle and related equipment

The Fire Chief has been approached by the leaders of the Greater Cincinnati Hazardous Materials Team in reference to the City's 1987 Mack fire truck. They have an interest in purchasing this unit if Blue Ash no longer has use for it. The Team's desire is to purchase a unit such as ours to replace their tractor-trailer driven unit, which would better suit their needs. Chief Brown recommends sale of this unit, and estimates the sale price to be \$55,000, which he believes is a fair price. Blue Ash does utilize the Greater Cincinnati HazMat Team to assist with the mitigation of hazardous materials incidents.

The Fire Chief is also seeking Council approval in this ordinance to purchase a new pickup truck, including fiberglass body and related accessories (such as shelving, etc.) and trailer, to replace an existing old support unit. This equipment would be used on a daily basis, and would be assigned to the Fire Department's inspection bureau. The proposed new truck, a four-wheel drive Ford F350 one-ton diesel, is available on the State's bid list from 32 Ford Mercury for an amount not to exceed \$31,000. The estimated cost for the fiberglass body (including installation and related accessories such as shelving, etc.) to mount on the truck would be \$32,000, and the estimated cost for the trailer would be \$8,200.

Several months ago, the Fire Chief had expressed the desire to sell or otherwise dispose of two existing units – including the 1982 Mack which was traded in when the new Tower was purchased and this 1987 Mack – and purchase the proposed pickup and trailer. The revenues associated with the trade and sale of the 1987 Mack are approximately \$15,000 less than the total cost of the new proposed equipment.

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Please direct questions regarding this ordinance to the Fire Chief.

11.d.2. Ordinance No. 2007-46- Amending sections of the Blue Ash Code of Ordinances

This ordinance relates to the annual update of the Blue Ash Code of Ordinances to incorporate State law changes required for the Traffic Code(Section 300) and General Offenses Code (Section 500). Attached is a redlined copy with all the changes.

The Walter Drane Company, who has been aiding the City's codification efforts, updates the "hard copy" code books just once each year. With Council approval of these most recent changes to the Traffic Code and General Offenses Code, we expect to receive replacement pages from Drane for all the changes made to the Code over the past year or so. As usual, those pages will be distributed to you as soon as they are available for placement in your books.

Please direct any questions regarding this ordinance or the Code update process to Human Resources Officer Margaret Main at 745-8513.

11.d.3. Resolution No. 2007-12 - Establishing hours for trick-or-treat activities in Blue Ash

Every year, City Council authorizes a resolution establishing the date and time to observe Halloween activities within the City. Traditionally, the City has recognized Halloween activities on the date of Halloween, October 31st. This resolution establishes Wednesday, October 31st, from 6 to 8PM as the time to observe the occasion of Halloween. Blue Ash Police and Fire personnel will be patrolling the streets and handing out candy to children while insuring that the safety of all is protected."

The following memo to Council from the Parks & Recreation Director was also included in Council packets:

"At Tuesday's Council meeting under "Miscellaneous Business," the Recreation Center Project Architect, Michael Schuster, will give a short presentation, including related cost estimates, on the latest Phase II Recreation Center Plans. Major points of his presentation will focus on the following:

- Suggested changes to the exterior of the building, primarily the Cooper Road side, based upon input from Council and Administration.
- Information regarding the "final" interior plans for Phase II. This will include more detailed architectural drawings as well as a model.
- Discussion of a Building Code issue concerning "fire-proofing" that was not anticipated in the original plans.
- Discussion with Council concerning the basement "option." The Design Team is making a recommendation to Council to approve the basement prior to going to bid on Phase II due to a variety of design and structural issues, which will be explained by Mr. Schuster. The level of "finish" for the basement would still be listed as an option(s) in the bid documents.

If you have any questions prior to the meeting and Mr. Schuster's presentation, please feel free to call me at (513) 745-8553. As always, thank you for your consideration and support."

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Ordinance No. 2007-40 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

EMERGENCY ORDINANCE NO. 2007-40

AN ORDINANCE DECLARING THE IMPROVEMENT TO A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF BLUE ASH, OHIO TO BE A PUBLIC PURPOSE UNDER SECTION 5709.40 OF THE OHIO REVISED CODE, PROVIDING FOR THE EXEMPTION OF SUCH IMPROVEMENT FROM REAL PROPERTY TAXATION, PROVIDING FOR THE HAMILTON COUNTY AUDITOR TO DISTRIBUTE SERVICE PAYMENTS TO THE SYCAMORE COMMUNITY SCHOOL DISTRICT IN THE AMOUNT THEY WOULD OTHERWISE RECEIVE ABSENT THE EXEMPTION, CREATING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF SUCH SERVICE PAYMENTS, AUTHORIZING THE NEGOTIATION AND PREPARATION, EXECUTION AND DELIVERY OF A SERVICE AGREEMENT AND SUCH OTHER DOCUMENTS AND AGREEMENTS AS MAY BE NECESSARY, AND AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THOMPSON HINE LLP AND DECLARING AN EMERGENCY.

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

carried.

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2007-40. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2007-40 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2007-41 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-41

AUTHORIZING THE CREATION OF THE BLUE ASH RECORDS
COMMISSION; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Stacey seconded to adopt Ordinance No. 2007-41. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Weber, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2007-41 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2007-42 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-42

AMENDING SECTION 113.02 OF CHAPTER 113 OF THE
BLUE ASH CODE OF ORDINANCES REGARDING
RECORDS DISPOSITION; 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 Czerwonka, Bryan, Weber, Stacey, and Mayor Buckman voted yes. Five yeases. Motion carried.

Councilman Bryan moved, Councilman Weber seconded to adopt Ordinance No. 2007-42. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2007-42 passed.

Public Works Committee, Henry S. Stacey, Chairperson

Councilman Stacey asked the Clerk to read Ordinance No. 2007-43 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-43

AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT FOR THE WEST HUNT ROAD PATH PROJECT
FOR THE UNIT PRICES AS SHOWN ON THE ATTACHED
BID SUMMARY; AND DECLARING AN EMERGENCY

Councilman Stacey 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, and Mayor Buckman voted yes. Five yeases. Motion carried.

Councilman Stacey moved, Councilman Weber seconded to adopt Ordinance No. 2007-43. Councilman Stacey commented favorably on the start of this project. There being no further discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2007-43 passed.

The Clerk was asked to read Ordinance No. 2007-44 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-44

AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT FOR THE PURCHASE OF HIGHWAY DE-ICING
ROCK SALT; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilman Czerwonka seconded to adopt Ordinance No. 2007-44. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Bryan, Weber, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2007-44 passed.

Planning & Zoning Committee, James W. Sumner, Chairperson

In Councilman Sumner's absence, Mayor Buckman asked Councilman Stacey to preside.

Councilman Stacey moved, Councilman Bryan seconded to set 7:00PM, Thursday, October 11, 2007 as hearing regarding a decision of the Board of Zoning Appeals regarding property at 5200 Donjoy Drive. A voice vote was taken. All members present voted yes. Motion carried. *(Administrative note: an earlier version of the Council agenda showed this hearing date as a Tuesday; the correct day of the week is Thursday. SKB)*

Councilman Stacey moved, Councilman Weber seconded to set 7:05PM, Thursday, October 11, 2007 as hearing for consideration of Ordinance No. 2007-47 regarding a special permit for Steve Locke, Locke's Heating & Cooling, 9206 Floral Avenue, for a new sign facing Blue Ash Road at a non-conforming commercial use in an R-3 Residential district. A voice vote was taken. All members present voted yes. Motion carried. *(Administrative note: an earlier version of the Council agenda showed this hearing date as a Tuesday; the correct day of the week is Thursday. SKB)*

Public Safety Committee, Stephanie Stoller, Chairperson

In Councilwoman Stoller's absence, the Mayor asked Councilman Czerwonka to preside.

Councilman Czerwonka asked the Clerk to read Ordinance No. 2007-45 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-45

AUTHORIZING THE CITY MANAGER TO SELL SURPLUS
FIRE TRUCK AND AUTHORIZING THE PURCHASE OF A
PICKUP TRUCK AND RELATED ACCESSORIES AND
EQUIPMENT FOR THE FIRE DEPARTMENT; AND
DECLARING AN EMERGENCY

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

Councilman Czerwonka moved, Councilman Stacey seconded to adopt Ordinance No. 2007-45. There being no discussion, the Clerk called the roll. Councilpersons Bryan, Weber, Stacey, Czerwonka, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2007-45 passed.

Councilman Czerwonka asked the Clerk to read Ordinance No. 2007-46 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2007-46

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

Councilman Czerwonka 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, and Mayor Buckman voted yes. Five yeases. Motion carried.

Councilman Czerwonka moved, Councilman Stacey seconded to adopt Ordinance No. 2007-46. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2007-46 passed.

Councilman Czerwonka asked the Clerk to read Resolution No. 2007-12 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2007-12
AUTHORIZING HALLOWEEN ACTIVITIES AND
ESTABLISHING TIME LIMITATIONS IN THE CITY OF
BLUE ASH, OHIO, FOR OCTOBER 31, 2007

Councilman Czerwonka moved, Councilman Weber seconded to adopt Resolution No. 2007-12. There being no discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Five yeases. Resolution No. 2007-12 passed.

MISCELLANEOUS BUSINESS

Public Information Officer and Deputy Clerk of Council Sue Bennett reminded Council that the next regular Council meeting is Thursday, October 11th.

Service Director Denny Albrinck commented on a report distributed to Council at this evening's meeting relating to Blue Ash's Traffic Signal Systems (a summary of operation). Mr. Albrinck asked Council to review the report in coming weeks, with future discussion if so desired by Council to be scheduled.

Mr. Albrinck commented that the work currently underway on Hunt Road (replacement of a water main) should be complete by the end of September.

Mr. Albrinck commented that he will be discussing with Cincinnati Water Works the need to improve upon the work recently done to temporarily restore the pavement on Blue Ash Road (until the City's Blue Ash/Hunt Road project is begun, after which permanent pavement restoration will take place). Regarding that upcoming road project, a public meeting is planned the week of October 22nd at which time residents will have the opportunity to learn more about the project and to review the plans.

Mr. Albrinck commented that this year's Snowplow Rodeo event is scheduled for next week and invited Council to participate.

Councilman Stacey requested that information about Beautification Week awards be placed on the website.

Mayor Buckman offered his compliments to all involved with the Taste of Blue Ash for another successful event.

Recreation Center Renovation & Expansion Update

Project Architect Michael Schuster was present to give a brief presentation of the status of the project. Due to a power outage during the Council meeting, a planned PowerPoint presentation was unable to be presented as planned, however, discussion continued with the use of display boards and a 3-D model. Highlights of Mr. Schuster's discussion follow:

- Mr. Schuster summarized the interior floor plans for the basement, main level, and second level utilizing the floor plan drawings as well as an updated 3-D model. No major changes to the floor plans (as compared to previous Council discussion) were discussed (other than what is mentioned below).
- The plans show the relocation of the fountain and family/tree bronze sculpture currently in place at Towne Square to the Recreation Center site at the northwest corner, near the main entrance. This concept of relocating the fountain, allowing opening of space in front of the Towne Square stage, had been discussed, however, not formally shown on past plans.
- Revised outside elevation drawings were displayed. Mr. Schuster explained that the

addition of a wood trellis area, along with some stone work, on the Cooper Road elevation were incorporated after past suggestions by Council and the Design team. The elevation also shows more glass along the Cooper Road side. Night versions of the elevations were also displayed, showing attractive lighting opportunities for both the outside and inside of the building.

- Some discussion was had regarding the basement, current utilization of the lower-level meeting rooms, and potential future use for similar public meeting space. It was determined that Council had no objection to the inclusion of the basement space within the specifications for Phase II construction (not as an option, but as a definite part of the overall improvements). Council also requested information from the Parks & Recreation Department related to current utilization of the lower level rooms, in terms of who uses the space and how often it is booked. Mr. Funk suggested that the Phase II bids include two alternatives: (1) completion of about 2,000 square feet of meeting space in the basement, and (2) completion of about 7,500 square feet of meeting space. Those alternatives can be later reviewed after bids are received and opened, and after review of current usage patterns. City Manager Waltz also pointed out that some current users may want to move such gatherings up to the main level café/lounge/family area to be included in the renovation.
- Mr. Schuster commented that the team is still reviewing what will be required by the Ohio and Blue Ash Building Code in relation to fire-proofing as recent changes to the Ohio Code have been made affecting this aspect of construction.

Overall, Council was very pleased with the renderings and floor plans discussed and shown tonight. Plans are to bid this project this fall, with work to begin early in the year, soon after the completion of the Phase I portion (construction of the new gym).

EXECUTIVE SESSION

(Councilwoman Stoller entered the Executive Session at approximately 8:40PM.)

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

After matters pertaining to litigation and property acquisition were discussed, Mayor Buckman moved, Councilwoman Stoller 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 Weber moved, Councilman Czerwonka seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 9:02PM.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council