

BLUE ASH CITY COUNCIL

November 12, 2009

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on November 12, 2009. 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 Tom Adamec, Councilman Rick Bryan, Mayor Robert Buckman, Councilman Lee Czerwonka, Councilwoman Stephanie Stoller, Councilman James Sumner, and Vice Mayor Mark Weber

ALSO PRESENT: City Manager David Waltz, Solicitor Mark Vander Laan, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Public Works Director Mike Duncan, Fire Chief Rick Brown, and interested citizens

Mayor Buckman appointed Treasurer Jim Pfeffer to read the legislation (ordinances) in their entirety in the rear of Council Chambers.

**ACCEPTANCE OF AGENDA**

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

- "1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL - Clerk of Council Jamie K. Eifert
4. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
5. ACCEPTANCE OF AGENDA
6. APPROVAL OF MINUTES
  - a. Regular Meeting of October 22, 2009
7. COMMUNICATIONS
  - a. Communications to Council - Clerk of Council Jamie K. Eifert
  - b. Reports From Outside Agencies
  - c. Mayor's Report – October 2009 – Honorable Robert J. Buckman, Jr.
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
  - a. Finance & Administration Committee, Rick Bryan, Chairperson
    1. Ordinance No. 2009-64, authorizing multi-year contract with LifeSphere for recreational and support services for the Sycamore Senior Center
    2. Ordinance No. 2009-67, transferring funds
  - b. Parks & Recreation Committee, Lee Czerwonka, Chairperson
    1. Ordinance No. 2009-65, amending Ordinance No. 2008-16 regarding the Recreation Center expansion project (steel component)
  - c. Public Works Committee, Thomas C. Adamec, Chairperson
    1. Ordinance No. 2009-66, amending Ordinance No. 2009-39 regarding the Reed Hartman Highway rehabilitation project
10. MISCELLANEOUS BUSINESS
11. EXECUTIVE SESSION – Personnel Matters

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12. ADJOURNMENT"

**APPROVAL OF MINUTES**

Councilwoman Stoller moved, Councilman Bryan seconded to approve the minutes of the regular meeting of October 22, 2009. 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 – October 2009**

RECEIPTS:

Fines.....	\$ 13,666.00
Vendor Permits.....	\$0
Bonds & BMV fees carried over .....	\$165.00
Bonds collected .....	\$ 560.00
TOTAL RECEIPTS:.....	\$14,391.00

DISBURSEMENTS:

To Blue Ash (fines/costs/interest/ Expungements/forfeitures).....	\$9,026.00
To the State of OH:	
Victims of Crime .....	1,170.00
General Rev Fund.....	\$2,075.00
Indigent Defense Support fund.....	\$550.00
Drug Law Enforcement Fund.....	\$373.45
Justice Program Service Fund .....	\$11.55
Indigent Driver's Alcohol Treat't Fund .....	\$165.00
Seat Belts .....	\$395.00
Refund of overpaid fines .....	\$0
Bond Money applied .....	\$275.00
Bond Money returned .....	\$50.00
BMV .....	\$0
TOTAL DISBURSEMENTS .....	\$14,091.00

BALANCE IN BONDS:.....	\$ 300.00
Mayor's Court traffic citations.....	140
Mayor's Court criminal citations .....	22
Total Mayor's Court cases .....	162

Oct. revenues from Mayor's Ct. Cases: ..... \$ 9,026.00

**HEARINGS FROM CITIZENS**

Peter Nord, President of the Kenridge Lake Homeowner's Association, presented a question to Council: had any of them ridden their bicycle on Kenwood Road? (Several indicated that they had.) Dr. Nord explained that his neighbor asked him to ask this question because it has been her experience that it is difficult to do so due to the driveway cuts across the sidewalk, making for a bumpy ride for bicyclists. He asked that consideration be given to this issue in planning and constructing of future bikepaths/sidewalks in the City.

Dr. Nord suggested that homeowner presidents be invited to Council meetings.

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Kimberly Reese, 4461 Leslie Avenue, reiterated (first brought up at a previous meeting) her interest in an "International Day." She indicated an interest in meeting with the City Manager regarding this potential, and intends to present an action plan at that meeting, and at a future Council meeting. She would like such an event to be initiated in 2010, with hopes it would continue and grow in future years.

Ms. Reese asked that the City consider increasing Police patrol presence in her neighborhood as there have recently been incidences of car break-ins, including to her vehicle.

Ms. Reese concluded by stating that she intends to attend more Council meetings and challenged Council to consider dialogue with citizens, as was the case during recent campaigns.

Hearings from Citizens was declared closed at approximately 7:08 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 topics included on the November 12 Council agenda:

**9.a.1. Ordinance No. 2009-64 - Authorizing multi-year contract with LifeSphere for recreational and support services for the Sycamore Senior Center**

Ordinance No. 2009-64 authorizes continuing support levels for the Sycamore Senior Center for Years 2010 through 2012. The level of support authorized for 2010 is \$6,700 per month (\$80,400 annual); for the Year 2011, \$6,900 per month (\$82,400 annual); and for the Year 2012 \$7,125 per month (\$85,500 annual). These amounts represent a 6% reduction compared to 2009 coverage levels, which have been discussed with the Center's representative. A representative from the Center is expected to attend the meeting should Council desire an update.

Please direct questions regarding this ordinance to the Treasurer.

**9.a.2. Ordinance No. 2009-67 - Transferring funds**

The initial step in preparing the 2010 Proposed Budget is the projection of the remaining revenues and expenditures anticipated during the remainder of 2009. That process provides our ending fund balances which represent a resource for moving forward with the 2010 budgetary process. This review of the revenue and expenditure accounts for the remainder of 2009 also provides an opportunity to highlight any areas within the existing budget that require adjustment. This assures a greater integrity to the year-end fund balances being estimated.

The Deputy Treasurer has identified a number of areas within the existing 2009 budget which require adjustment at this time, and those items are listed on the two-page attachment to Ordinance No. 2009-67. Rather than attempting to explain each item line-by-line, it is our intent to summarize the significant adjustments and thus avoid some of the confusion that can arise given the structure of the attachment.

The most significant issue is the need to revise our earnings tax collections to reflect today's economic conditions, as we have experienced a very recent erosion in our net profit and withholding collections. The City's initial 2009 earnings tax projections were level or even with our actual 2008 collections, and throughout most of the year, we observed a very moderate impact upon our collections given the severe economic climate. However, during the last several months, our net profit and withholding tax collection levels have shown a greater response to the downturn, and the need exists to adjust the City's budget accordingly. Based upon the most recent collection levels, we anticipate the need to reduce our estimated tax collections by an additional \$950,000, and to offset that reduction in revenue with a corresponding reduction in expenditures. This adjustment, coupled with the previous change in expected tax revenues, reveals an overall predicted shortfall in earnings tax revenues of \$1,725,000, or 5.7% below actual 2008 collection levels. Given that current national unemployment levels are almost to the historical highs of the early 1980s (10.2% vs. 10.8%), this is not unexpected.

Although the opportunity exists for reducing expenditures in countless accounts throughout the existing budget, given the efforts to date on the 2010 budget, the more expedient approach would be to find larger components of the budget that could be utilized to offset this revenue reduction. That is the approach that was utilized with this transfer, through the reduction in land bank funding of \$340,000, the application of \$90,000 in the economic development area that was targeted for expenditure in 2009, \$200,000 representing the street sweeper initially budgeted in Public Service (the

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purchase of which was delayed earlier in the year), and finally through a use a portion of the General Fund reserve of \$320,000. These four items collectively offset the reduction in expected earnings tax revenue described above.

The projection of expenses for the remainder of the year also revealed the need for supplemental funding in both the net profit and withholding tax refund accounts, representing \$250,000 in supplemental funding. The transfer attachment reflects additional expenditure appropriations for refunds totaling that amount, with the offsetting expenditure arising out of the construction area of the Street Construction Maintenance & Repair (SCMR) account. The successful efforts of the Public Works Director to secure stimulus ARRA funding for the Reed Hartman Highway improvement provided available resources that could be utilized to cover the earnings tax refund situation.

The next item involves the need to provide supplemental funding to the General Bond Retirement Fund #331 in the amount of \$72,250. This amount represents the need to make a payment under the Ohio Public Works Commission no-interest loan relating to the completion of the Blue Ash/Hunt Road project. The original budget did not anticipate this payment being due in 2009, but we have been notified by the State of the necessity of making that payment. Funding to provide for that expenditure was made available through the appropriation of an over-collection of inheritance tax of an equivalent amount.

The attachment reflects a \$90,000 item related to an expected reduction in 2009 commercial building permit revenue, and a corresponding reduction in related expenses in the Community Development area. Although this adjustment has very limited impact upon the City's overall financial situation (the City contracts with National Inspection Corporation for inspection), it is important to make significant adjustments when they become known to the City to avoid any complications with either the State Auditor's review of our records or with the County's Budget & Settlement Division's certification of our estimated resources.

A number of smaller items are described within the "transfers with an expenditure appropriations" area, representing a shift in existing budgetary allocations within the same group. For example, \$25,000 is being shifted from professional services and construction in the Facilities Maintenance area to supplement the salary account (primarily due to Rec Center construction efforts by Facilities Maintenance). Within the Recreation programming area, supplemental funding is needed in the utilities account (\$50,000) due to the cost of operating the new center and the rather substantial expense associated with "temporary heat" during the colder months of 2009 related to construction. Funding for those utilities is being derived from unused funding in the Recreation Airport Days account, as well as from their construction account.

There are several more listings under this category relating to shifts from capital to utilities or to gasoline within the various divisions of the City.

Requesting these budgetary adjustments at this time assists the Finance team in moving forward with the budgetary process, in assuring a greater level of accuracy in the year-end fund balances, and also to avoid any complications with the County's Budget & Settlement Division or the annual audit. However, it is important to note that the mechanism used to offset the lower earnings tax estimate, while expedient, did not take into account unspent funds that are anticipated to remain at the end of 2009, and which will be utilized to replenish the General Reserve Fund relied upon, to some extent, at this time.

Please direct questions regarding this ordinance to the Treasurer.

**9.b.1. Ordinance No. 2009-65 - Amending Ordinance No. 2008-16 regarding the Recreation Center expansion project (steel component)**

Ordinance No. 2009-65 represents a change order for the steel contractor (Champion Bridge) associated with the Recreation Center renovation and expansion project. The ordinance authorizes an amendment for an additional amount of \$15,440 – resulting in a total contract change from \$1,302,164 to \$1,317,604. This change was necessary to accommodate various structural changes throughout the project (due to hidden existing conditions), as well as to resolve adjustments necessary to address Code changes. This represents Champion's final payment, with funds to pay this expense taken from balances remaining with other trades (no additional project funds are being requested).

Please direct questions regarding this project or change order to the Parks & Recreation Director.

**9.c.1. Ordinance No. 2009-66 - Amending Ordinance No. 2009-39 regarding the Reed Hartman Highway rehabilitation project**

The Reed Hartman Highway rehabilitation project is essentially complete with a few minor punch list items to be finished. This project removed the old, deteriorated asphalt surface on Reed Hartman Highway between Glendale-Milford Road and Cooper Road and replaced it with a new waterproofing membrane and new asphalt surface. Additionally, damaged curbs and catch basins were replaced,

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new handicap ramps were added, and the vehicle detection system was changed from in-pavement loops to pole-mounted video detection sensors. Reed Hartman Highway was also re-profiled to provide better drainage. The roadway was striped with new thermoplastic pavement markings that last many years longer than paint.

A change order is needed to add three items that were inadvertently not included in the original bid documents, but were required for proper completion of the project. Additionally, a fourth item is required for additional material needed to re-profile a portion of Cooper Road that was also part of the project.

The additional items are summarized as follows:

- Spec Item 614, Work Zone Channelizing Line, Class I. Add 5,519 l.f. at \$0.42 per l.f.
- Spec Item 614, Work Zone Channelizing Line, Class III. Add 5,750 l.f. at \$0.42 per l.f.
- Spec Item 614. Remove Existing Crosswalk Striping. Add 206 l.f. at \$3.30 per l.f.
- Spec Item 448. Additional Asphalt Material Only to Re-profile Cooper Road. Add 68.75 tons at \$54.00 per ton.

The total cost for the change order is \$9,125.78.

This project is funded with an American Recovery and Reinvestment Act (ARRA) grant for \$726,757. The Federal grant was awarded by the Ohio-Kentucky-Indiana (OKI) Council of Governments and administered by the Ohio Department of Transportation. The City has worked in partnership with both agencies to ensure a quality project. Change orders may be funded within the grant allocation if savings are realized on other items.

Please direct questions regarding this project or the ordinance to the Public Works Director.”

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

Councilman Bryan asked the Clerk to read Ordinance No. 2009-64 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-64

AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR CONTRACT WITH LIFESPHERE (DBA SYCAMORE SENIOR CENTER) FOR YEARS 2010, 2011, AND 2012 FOR RECREATIONAL AND SUPPORT SERVICES; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Sumner seconded to adopt Ordinance No. 2009-64. At the request of Councilman Bryan, Joshua Howard from the Sycamore Senior Center respectfully asked that Council approve this ordinance. They have seen increased use of the Senior Center in recent years, in addition to the need to provide about 100 additional meals a month. He and the staff and volunteers look forward to continuing to provide quality services to area senior citizens as well as working with the City. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Adamec, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-64 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-67 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-67

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2009-3 FOR THE YEAR 2009 (AS SHOWN ON ATTACHMENT); AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilman Czerwonka seconded to adopt Ordinance No. 2009-67. There being no discussion, the Clerk called the roll. Councilpersons Adamec, Czerwonka, Bryan, Stoller, Sumner, Weber, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-67 passed.

**Parks & Recreation Committee, Lee Czerwonka, Chairperson**

Councilman Czerwonka asked the Clerk to read Ordinance No. 2009-65 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-65

AMENDING A PORTION OF ORDINANCE NO. 2008-16  
REGARDING PHASE II OF THE RECREATION CENTER  
EXPANSION AND RENOVATION PROJECT (STEEL  
COMPONENT); 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, Stoller, Sumner, Weber, Adamec, and Mayor Buckman voted yes. Seven yeases. Motion carried.

Councilman Czerwonka moved, Vice Mayor Weber seconded to adopt Ordinance No. 2009-65. In addressing a question from Councilman Adamec, Parks & Recreation Director Chuck Funk commented that they do not expect any more large change orders with the project. He noted that this change order did not change the overall project budget as funds were shifted from one portion of the project to another. There being no further discussion, the Clerk called the roll. Councilpersons Bryan, Stoller, Sumner, Weber, Adamec, Czerwonka, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-65 passed.

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

Councilman Adamec asked the Clerk to read Ordinance No. 2009-66 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-66

AMENDING ORDINANCE NO. 2009-39 RELATED TO THE REED  
HARTMAN HIGHWAY REHABILITATION PROJECT FOR  
SUPPLEMENTAL LINE ITEMS; AND DECLARING AN  
EMERGENCY

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

Councilman Adamec moved, Councilman Bryan seconded to adopt Ordinance No. 2009-66. In addressing a question from Councilman Adamec, Public Works Director Mike Duncan commented that the project is 99% complete – everything except sealing between the curb line and the asphalt. He explained the items added in this change order were inadvertently left off the original specs. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Adamec, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2009-66 passed.

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**MISCELLANEOUS BUSINESS**

Public Information Officer/Deputy Clerk Sue Bennett reminded Council of remaining meetings in 2009, summarized below:

- Tuesday, December 1, 6:30PM – Swearing in ceremonies
- Tuesday, December 8, 6:30PM – Budget Study Session
- Thursday, December 10, 7:00PM – Regular Meeting

Ms. Bennett also offered her congratulations to Council members upon their being re-election to office.

Treasurer Jim Pfeffer commented that a property owner of a parcel in Hazelwood recently contacted the City with the interest of donating that property to the City. The parcel is located off Grand Avenue in Hazelwood, and lies entirely within the federal flood zone area. The owner would like to donate the property to the City. Mr. Pfeffer explained that there would be no cash outlay. The lot is wooded, and it is not a buildable lot since it lies in that flood plain area. Following a concern expressed by Councilman Sumner, it appeared the consensus of Council that the City's acceptance of this property, with subsequent maintenance, would not be in the best interests of the citizens of Blue Ash at this time.

City Manager Waltz asked Council to keep Assistant to the City Manager Kelly Osler in their prayers as her grandmother passed away this week. He explained that although every grandmother is special, her grandmother lived with Kelly's family much of her life, and they were very close.

Councilman Czerwonka complimented the City on the contractor's sidewalk work along Creek Road.

Councilman Bryan thanked the Fire and Police Departments for their presence on Halloween evening – representing a positive image for our community's youth.

Councilman Bryan commented favorably on the Veterans Day ceremonies the day before. The day was highlighted with beautiful weather; participation of the Sycamore Schools was even more special with the kids singing a patriotic song, in addition to their traditional reading of their veteran-related essays; a strong presence of school leaders, as well as other nearby community leaders; presentation of a US flag to the leading Sycamore teacher (Leslie Burklow) by Congresswoman Schmidt; and a moving keynote speech "from the heart" by SSgt Paul Brondhaver, who nearly lost his life in Iraq. He also thanked the City staff who were at the event, on their holiday, and noted that the event could not be done without them.

Mayor Buckman concurred with Councilman Bryan's comments and noted that he found SSgt Brondhaver's speech particularly heartfelt as many in the crowd, and on the stage, were in tears.

**EXECUTIVE SESSION**

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

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

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**ADJOURNMENT**

All items on the agenda having been acted upon, Councilwoman Stoller moved, Councilman Czerwonka seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 7:45 PM.

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Robert J. Buckman, Jr., Mayor

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Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

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Susan K. Bennett, Deputy Clerk of Council