

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on January 13, 2005. Mayor Rick Bryan called the meeting to order in Council Chambers at 7:30 PM.

OPENING CEREMONIES

Mayor Bryan asked Joey and Jill Riley, children of Police Sergeant Rich Riley to lead 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 (entered the meeting at 7:34PM), 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, Police Chief Chris Wallace, Police Captain Jim Schaffer, many Patrol Officers and supervisors from the Police Department, member of the press, and interested citizens

SPECIAL PRESENTATIONS – Commendations for two Blue Ash Police Officers

Mayor Bryan and Police Chief Chris Wallace made a special presentation to two Blue Ash Police employees, Sergeant Rich Riley and Patrol Officer Pete Ballauer. A framed commendation was presented to them in honor of the following work:

On April 28, 2004, Sgt. R. Riley and PO P. Ballauer became involved in a traffic pursuit of Anthony Meyers, initiated by the Hamilton County Sheriff's Department. In the course of this pursuit, the suspect operated his vehicle with total disregard for the safety of both police officers and innocent users of the roadways. This pursuit took the involved officers westbound on interstate 275 to the State Route 42 exit ramp. At the end of the exit ramp, Meyers crashed his car through a guardrail. He was then able to get his vehicle turned around to face the officers, who had positioned themselves on the roadway on State Route 42.

Meyers then used his vehicle as a weapon to ram two occupied police cars that were parked in the roadway. At this time, several officers, including Sgt. Riley and PO Ballauer, had also exited their police cars in an attempt to arrest the subject. Meyers then reversed his vehicle to a point where Sgt. Riley was standing. Sgt. Riley was able to open the passenger side of the vehicle in an attempt to arrest Meyers. Meyers refused Sgt. Riley commands to stop and started to drive his car forward at a Hamilton County Sheriff's Deputy who was approaching the vehicle on foot. Sgt. Riley then fired one round from his handgun striking Meyers. Meyers continued driving forward at PO Ballauer in an attempt to run him over. PO Ballauer then fired three rounds from his handgun striking Meyers and stopping this assault.

Sgt. Riley and PO Ballauer were faced with an individual who had clearly demonstrated his intent to avoid arrest by use of deadly force if necessary. In spite of the extremely dangerous situation they were faced with, they took quick, decisive action to stop this assault before any officers or innocent bystanders were seriously injured or killed.

The actions of Sgt. Riley and PO Ballauer in this incident are of the finest examples of professionalism and bravery in the face of extreme danger and adversity. Their actions are to be commended.

/S/ Rick Bryan, Mayor

/S/ Chris Wallace, Chief of Police

In addition to the award presented by the Mayor and Police Chief, each officer's wife pinned upon their spouse a ribbon of valor.

PUBLIC HEARING – 7:30 PM – consideration of Ordinance No. 2005-1 – major modification to a previously approved development plan in the C-2 Planned Commercial District at 9237 Plainfield Road (Arby’s Restaurant)

The Clerk was asked to read in its entirety Ordinance No. 2005-1.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2005-1

APPROVING MODIFICATION OF A DEVELOPMENT PLAN IN THE C-2 PLANNED COMMERCIAL DISTRICT (UNDER CHAPTER 1157 AND 1185 OF THE PLANNING AND ZONING CODE) LOCATED AT 9237 PLAINFIELD ROAD FOR THE DEMOLITION OF AN EXISTING ARBY’S RESTAURANT AND CONSTRUCTION OF A NEW ARBY’S RESTAURANT BUILDING ON PROPERTY CONSISTING OF APPROXIMATELY .552 ACRES (BOOK 612, PAGE 70, PARCEL 213 OF THE HAMILTON COUNTY AUDITOR’S OFFICE RECORDS)

Bob Wendel, Dave Connerman (property owner), and Andy Hogan (attorney) were in attendance to represent the project. Mr. Wendel commented that he has worked with the City to comply with all requests of the City and its engineers.

Councilman Sumner commented that Planning Commission did approve the project. However, there was an oversight that has since come to the Commission’s attention. He explained that generally, whenever you have a project involving a tear-down, the project would be required to adhere to the current zoning requirements. In this case, that would mean that the current plans that include retaining the existing pole sign would need to be changed. The pole sign is not in compliance, and a monument sign would be required. Mr. Wendel commented that he does not know if the owners would be willing to replace the pole sign as it was their understanding that as long as construction on the new project was completed within 12 months that the pole sign would be allowed to stay as is. It would be Mr. Sumner’s recommendation that an amendment to the ordinance (including provision that the project be in compliance with the City’s sign ordinances) be made tonight. Mr. Thompson commented it would be Council’s (or the Planning Commission’s) prerogative to add any condition that they believe to be appropriate.

In addressing a question from Mr. Wendel as to whether or not a larger monument sign would be allowed if the existing pole sign would be removed, Mr. Thompson commented that as an incentive, the City offered this alternative if an owner would voluntarily remove an existing pole sign. This case is different in his opinion because signage would be part of the overall development plan. If more than 50% of the building is changed, then everything related to the project would be required to comply with current zoning regulations. The sign would be part of the development plan, and current zoning regulations do not allow pole signs. The Planning Commission should have required this applicant to replace the existing pole sign with a monument sign.

Further discussion followed, and in response from a question from Mayor Bryan to the applicants, it seemed the consensus of the applicants that the ordinance be tabled until the sign issue could be resolved between the City and the project representatives.

This public hearing was declared closed at approximately 7:54PM.

PUBLIC HEARING – Consideration of Ordinance No. 2005-2 – zone change request (from R-2 and R-3 Residential to R-3 Residential) and approving a large-scale residential development plan (affecting properties on portions of Cooper Road and Cooper Lane)

The Clerk was asked to read in its entirety Ordinance No. 2005-2.

THEN WAS PRESENTED AND READ IN ITS ENTIRETY:

ORDINANCE NO. 2005-2

AMENDING THE DISTRICT MAP ESTABLISHED IN THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, PART ELEVEN, PLANNING AND ZONING CODE, CHAPTER 1141, AND THUS THE BOUNDARIES OF THE DISTRICTS AS APPROVED ON MARCH 13, 2003, BY PLACING CERTAIN REAL ESTATE IN THE R-3 RESIDENTIAL DISTRICT (INCLUDING 9571, 9561, 9551, & 9541 COOPER LANE AND 5230 & 5020 COOPER ROAD [AFFECTING BOOK 612, PAGE 40, PARCELS 380, 379, 375, 339, 345, 236, & 235 OF THE HAMILTON COUNTY AUDITOR’S OFFICE RECORDS]); AND APPROVING A LARGE SCALE RESIDENTIAL DEVELOPMENT

PLAN UNDER SECTION 1149.07 OF THE COMPREHENSIVE ZONING ORDINANCE ALLOWING RAZING OF EXISTING SINGLE-FAMILY DWELLINGS AND CONSTRUCTION OF NEW SINGLE-FAMILY DWELLINGS ON PROPERTIES LOCATED ON THE NORTH SIDE OF COOPER ROAD AND THE WEST SIDE OF COOPER LANE (AFFECTING THE PROPERTIES DESCRIBED ABOVE AS WELL AS 5010, 5008, AND 4950 COOPER ROAD AND 5008 COOPER LANE [BOOK 612, PAGE 40, PARCELS 234, 233, 601, AND 231 OF THE HAMILTON COUNTY OFFICE RECORDS])

Architect Larry Norris was present to discuss the project and address questions. He explained that they have complied with all requests of the City and the City engineers. Councilman Sumner explained that Planning Commission has approved this project two times, both passing by a 3-2 vote. City Manager Thompson commented that the Administration believes this sort of development would be of benefit to the City as a whole, and especially to the downtown area.

In addressing a question from Councilman Stacey regarding the diameter and design of the cul-de-sac, Mr. Thompson commented that the applicants have been working with the City engineers to meet City requirements.

In addressing a question from Councilman Sumner, Mr. Norris commented that the expected price of homes would sell for no less than \$500,000, with the upward limit to be determined by market.

In asking for comments/questions from others in the audience, Mayor Bryan commented that he would like for anyone interested in speaking to come forward, state their name and address, and to make their comment or ask their question. Questions would be gathered and answered later in the meeting, after all who wish to speak have had that opportunity.

Larry Montag, owner of Montag's Furniture at 4819 Cooper Road, commented that he believes this type of development would be wonderful for the City, and that he is grateful they chose Blue Ash. He believes it would be good for the City in general, in addition to its downtown.

Jeannine Bell, 9595 Cooper Lane, asked how this project plans to address storm water (especially related to the nearby creek), if there are any sound barriers planned, and will other houses be added in the future.

Marcellina Shockey, 4916 Laurel Avenue, commented that she is president of the Arcadia Homeowner's Association (the adjacent residential neighborhood). She is extremely pleased with this development and hopes the City will continue to work with the Arcadia homeowner's association in continuing clean-up of their neighborhood (i.e., in terms of property maintenance enforcement).

Betty Brooks, 9470 Blue Ash Road, asked what would happen in general to the lower priced homes in Blue Ash. It is her opinion that Blue Ash has desires to tear down older homes for development of newer, more expensive homes.

Rich O'Toole, 10148 Zig Zag Road, commented that he believes 31 lots on this acreage are too many – that the development is too dense. He asked how the City would “benefit” from this project. Mr. O'Toole expressed concern with tear downs in that he has seen it occur in neighboring Montgomery, and he believes it to be a bad thing for the community and school district. It is his opinion that older people (with no school-aged children) would be purchasing these homes, and that they would represent future “no” votes for future Sycamore School levies.

Robert Ruwe, 4646 Miller, commented that he has property behind him and to the west undergoing possible future development, and he asked how the zoning is determined (i.e., when does R-2 become R-3, etc.). In addressing a question from Mr. Ruwe as to current ownership of one of the affected homes on Cooper Road, Mayor Bryan commented that the house in question is not owned by the Sycamore Schools but is owned by the City of Blue Ash.

Dale Martin, 4834 Myrtle Avenue commented that in general, he is happy to see housing prices in Blue Ash go up. However, he has mixed feelings regarding the new construction (replacement of older homes) happening in Arcadia. He feels he and his family are being priced out of Blue Ash, and he asked if Council has any vision to keep families in Blue Ash.

Mr. Swami Sunkara, owner of the Cactus Pear restaurant in downtown Blue Ash (adjacent to Towne Square), commented that he is very pleased to see new residential development

occurring close to downtown as new housing would bring more people to downtown businesses and to the Square. He believes such a development would help many people.

Debbie Kirschner, 9499 Wynnecrest Drive, asked for assistance in determining what the markings in her yard mean (she is at the corner of Wynnecrest and Cooper).

Mayor Bryan commented that several months ago, largely the result of an inaccurate article that appeared in *The Cincinnati Enquirer*, there were many residents in attendance at a Council meeting, most from the Arcadia subdivision. He stressed that in Blue Ash, we value the diversity of not only its residents, but also its residences. He stressed that there is no City plan to use City dollars to purchase residential properties. He stressed that what a property owner chooses to do with their property is also of value. In this development, the homeowners chose to work this transaction out with the developers – there were NO City dollars involved relating to the purchase of those residential properties. It was the result of private transactions between the developer and the property owners. The City does want to preserve the diversity of homes. As was publicly stated several months ago, there is no concerted plan by the City or this current Council to see any neighborhood negatively impacted.

Mayor Bryan commented that Blue Ash has 5,000+ homes. Within the last 10 years, the City has torn down less than 12 homes. Generally, a property torn down at City expense was done so only after repeated safety-related concerns from residents. A resident previously noted that homes on Cornell Road (about four) were torn down for the current Blue Ash Estate project; however, those were not torn down by the City as that transaction was completed between the developer and the property owner.

In addressing questions presented tonight, Mayor Bryan commented that in regards to what determines zoning, he explained that zoning started when the City was incorporated 50 years ago. From the beginning, the community was planned to be a mix of residential, business, and public uses. Examples of some of the differences between various residential zones (i.e., between R-2 and R-3, etc.) would have to do with setback requirements, lot sizes, and other development issues.

In addressing the question regarding older neighborhoods, Mayor Bryan reiterated that what happens with older homes depends upon what the property owners choose to do with their homes. He repeated that there is no plan by this Council to spend City dollars to buy houses in residential neighborhoods and replace them with other more expensive houses.

In addressing the question as to how the City benefits, Mayor Bryan commented that the existing homes involved in this proposed development along Cooper Road and Cooper Lane generate currently approximately \$40,000 a year in property taxes, of which the Sycamore Schools get the largest portion. If this development is approved, the City conservatively estimates that the property taxes would increase to \$300,000 (again, with most going to the Sycamore Schools), and that Blue Ash would pick up about 20 more families. This project would clearly benefit the Sycamore Schools.

In addressing the concern of storm water, Larry Norris and Etta Reed (the project engineer) described on the plans posted how storm water control is designed. They explained that storm water is directed towards the middle of the project and that it would continue naturally to the south. However, the “creek” would be piped to the culvert on Cooper Road. They pointed out that they would comply with all engineering requirements (including storm water) of the City. Nearby or adjacent property owners should experience no more problems with water than exist today on their properties. Drainage calculations must be reviewed and approved by the City’s engineers.

In regards to the question about sound barriers, Mr. Norris explained that they do not plan to install walls. However, they do plan to work along the perimeters of the project to install various landscaping materials. In addressing the question as to future expansion, Mr. Norris commented that there are no plans to expand Paradiso from the plans presented tonight.

Orba Arnold, 4839 Myrtle Avenue, asked about traffic flow. Mr. Norris pointed out on the plans the three points of ingress/egress – those being the main entrance off Cooper Road, and others on Cooper Lane and Monroe Avenue.

George Etesse, 8899 Brittany, commented that his area also has problems getting out onto either Kenwood Road or Blue Ash Road. He expressed concern with additional traffic. Mayor Bryan commented that when traffic counts exceed certain limits, then the State would allow for a traffic signal to be installed. However, a residential development of this

size has no significant impact on traffic.

There being no further comment or questions, the public hearing was declared closed at approximately 8:40 PM.

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 are 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

Councilwoman Stoller moved, Councilman Stacey 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. SPECIAL PRESENTATIONS – Commendations for two Blue Ash Police Officers

5. PUBLIC HEARING – 7:30 PM – consideration of Ordinance No. 2005-1 – major modification to a previously approved development plan in the C-2 Planned Commercial District at 9237 Plainfield Road (Arby's Restaurant)

6. PUBLIC HEARING – 7:35 PM – consideration of Ordinance No. 2005-2 – zone change request (from R-2 and R-3 Residential to R-3 Residential) and approving a large-scale residential development plan (affecting properties on portions of Cooper Road and Cooper Lane)

7. Appointment of person(s) to read ordinances in full in rear of Council Chambers

8. ACCEPTANCE OF AGENDA

9. APPROVAL OF MINUTES

a. Regular Meeting of December 9, 2004

10. COMMUNICATIONS

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

b. Reports From Outside Agencies

11. HEARINGS FROM CITIZENS

12. COMMITTEE REPORTS

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

1. Ordinance No. 2005-1, approving a major modification to a previously approved development plan in the C-2 Planned Commercial District at 9237 Plainfield Road (Arby's Restaurant)

2. Ordinance No. 2005-2, approving a zone change request to R-3 Residential of properties on portions of Cooper Road and Cooper Lane and approving a related large-scale residential development plan

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

1. Ordinance No. 2005-3, final appropriations ordinance

2. Ordinance No. 2005-4, approving engineering service rates for 2005

3. Motion authorizing the sale of real property at 5230 Cooper Road and on the east side of Monroe Avenue on the north side of Cooper Road with no further requirement to solicit additional bids

4. Ordinance No. 2005-5, authorizing the sale of City-owned real property

5. Ordinance No. 2005-6, amending Ordinance No. 2003-114 regarding professional legal services

6. Ordinance No. 2005-7, authorizing contract for forms/supplies in 2005

7. Ordinance No. 2005-8, authorizing payment to Blue Ash Sister City, Inc. in 2005

c. Parks & Recreation Committee, Lee Czerwonka, Chairperson

1. Ordinance No. 2005-9, authorizing contracts for professional class instruction and printing services in 2005

2. Ordinance No. 2005-10, authorizing 2005 purchase of grounds maintenance and restaurant supplies and authorizing contractual landscaping and spraying services

3. Motion authorizing bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials and services; mowers and other grounds maintenance and snow removal equipment and vehicles; fitness and athletic equipment; paver repair; renovation of maintenance facilities; and the sale of excess property and equipment
 - d. Public Works Committee, Henry S. Stacey, Chairperson
 1. Ordinance No. 2005-11, authorizing contract for professional services related to the disposal of hazardous household waste in 2005
 2. Ordinance No. 2005-12, authorizing purchase of a chipper from the State of Ohio Cooperative Bid list
13. MISCELLANEOUS BUSINESS
14. ADJOURNMENT”

APPROVAL OF MINUTES

Vice Mayor Buckman moved, Councilman Czerwonka seconded to approve the minutes of the regular meeting of December 9, 2004. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

The Clerk of Council read the following two letters, both addressed to Assistant City Manager David Waltz:

From Hal Homes:

“Dear David:

I would like the City Administration and the City Council to know that I fully support the new upscale residential development in downtown Blue Ash. I am sorry that I can't personally attend this meeting to express my feelings, as I will be out of town.

As a long-term resident and with two major businesses in Blue Ash, the concept of new residential opportunities in Downtown Blue Ash is very exciting to me. This added vitality and excitement is certainly a positive step for the City.

Very truly yours,

Hal Silverman

President

Hal Homes, Inc.”

From Baxter's restaurant:

“Dear Mr. Waltz:

I fully support the upscale residential project, “Paradiso on the Square”, as another step in making downtown Blue Ash exciting.

With my restaurant located near the square, any positive development such as this reinforces my belief that the city is working with small business. I apologize I will not be able to attend this meeting due to other obligations, but please understand my support for this project.

Sincerely,

Philip C. Frost

Baxter's”

Reports From Outside Agencies

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

HEARINGS FROM CITIZENS

George Etesse, 8899 Brittany Drive, expressed concerns regarding lack of attention to his neighborhood during the last snow storm (Brittany, Summit, Elizabeth, and Cynthia). Plows did not do their streets until late Friday afternoon, and he asked what could be done so it doesn't happen again (as it has in the past). He suggested sending a letter to those residents explaining that as well.

Mayor Bryan commented that the recent snow storm was considered a 30-year storm, and that there were a number of residential streets that weren't plowed the first time as quickly as residents would have liked. He commented that in those kinds of extreme conditions, the best the City can do is offer an apology and to say that crews did the best they could under the extreme circumstances. He explained the City's snow removal procedures in that the first streets to receive attention include the primary streets and those residential streets with steep grades. Once those have been made passable, then the crews move onto the other residential and business side streets. Crews worked 55 straight hours to address this major storm, which had been declared by Hamilton County as a level 3 emergency.

Rich O'Toole, 10148 Zig Zag Road commented that it is his opinion that the Paradiso on the Square residential project will not attract "families" – it will attract empty nesters who will most likely vote "no" on future Sycamore School levies.

Raymond Schneider, Tiffany Ridge resident and Blue Ash business owner, commented that he believes the Paradiso project will help the City and commended Council and the Administration on its desire for progress. He also commented that he would like Council's assistance with a problem between his business and the City's Board of Site Arrangement. He owns the property on Plainfield at the Ronald Reagan Highway exit ramp, also known as the former Hardee's property. Recently, the Board of Site Arrangement (BOSA) tabled what even they admit would be a potentially positive project for the site because of their opinions related to a completely separate business location owned by Mr. Schneider (involving a billboard on Deerfield Road). He said that the BOSA is combining projects that don't have anything to do with one another, and Mr. Schneider believes he is being treated unjustly.

Councilman Sumner commented that it is his belief that past performance is an indicator of future performance. He explained that a condition put upon his project on Deerfield Road (Self Storage) was to comply with the City's sign regulations (of which a billboard would not be in compliance). After some discussion, it was agreed that Mr. Schneider would contact Mr. Waltz the next day to establish a meeting to further discuss this situation.

Marcellina Shockey, 4916 Laurel Avenue, commented that the Arcadia neighborhood has been inundated with rental housing units. She suggested that the City of Blue Ash consider something similar to what Mariemont has done to require rental property owners to register, along with requiring them to meet other stipulations. Councilwoman Stoller commented that she has received the information from Mrs. Shockey and is working with the Administration on this possibility.

Hearings from Citizens was declared closed at approximately 9:05 PM.

COMMITTEE REPORTS

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

"The following offers a brief description of the items included on the January 13th Council Agenda:

5. and 12.a.1. Ordinance No. 2005-1 - Approving a major modification to a previously approved development plan in the C-2 Planned Commercial District at 9237 Plainfield Road (Arby's Restaurant)

As Council is aware, the City is in receipt of a request for modifications to the existing Arby's Restaurant on Plainfield Road. The plans call for the demolition of the existing Arby's (which was built in 1975) and construction of a new 2,900 square foot, one-story stucco structure with a drive-through window lane. Both the Board of Sites and Planning Commission reviewed the proposal (on November 8th and October 19th respectively), and both recommended approval to Council. Required legal notices were sent out to property owners in early December. Council may wish to consider an amendment to the plan approved by the Commission and Board. The plan currently shows the retention of the pole sign. If Council believes it is appropriate, approval could be subject to a monument sign (with specifics to be approved administratively by the City) replacing the pole sign.

It is anticipated that applicants will be in attendance at the meeting and hearing to address questions from Council or the public. If you have questions regarding this development that you would like addressed before the meeting, please direct those to the Assistant City Manager.

6. and 12.a.2. Ordinance No. 2005-2 - Approving a zone change request to R-3 Residential of properties on portions of Cooper Road and Cooper Lane and approving a related large-scale residential development plan

As Council is aware, the City is in receipt of a potential large scale residential development plan for the north side of Cooper Road between Monroe Avenue and Cooper Lane. A rezoning request for portions of the affected properties from existing R-2 Residential zoning to R-3 Residential zoning making all of the subject site R-3, would be subject to approval of the large scale residential development plan for construction of 30 individual single-family dwellings (and one lot dedicated to open space). The proposed project has been reviewed and approved by the Planning Commission at their December 2nd meeting.

It is anticipated that applicants will be in attendance at the meeting and hearing to address questions from Council or the public. If you have questions regarding this development that you would like addressed before the meeting, please direct those to the Assistant City Manager.

12.b.1. Ordinance No. 2005-3 - Final appropriations ordinance

On November 29th, the City Manager presented to Council the 2005 Proposed Budget which was subsequently adopted under Interim Appropriations Ordinance No. 2004-106 on December 9th. The Proposed Budget was based upon estimates of fourth quarter 2004 revenue and expenditure activity as well as projections for all of 2005. With the recent closing of the books at year-end, the opportunity arose for the use of actual year-end closing balances (instead of estimates) and for the incorporation of any necessary changes that have arisen since the Proposed Budget was prepared.

Conversion of the Proposed Budget into a Final Budget document includes a comparison of the City's actual financial results with the estimates, incorporating any new information or projects, and then adjusting the 2005 projections based upon that data. All of those items represent changes to the Proposed Budget that will be reflected in the final document and in the attachment presented to Council under this ordinance.

The closing of the books at the end of the year represents a major portion of the Final Budget effort. That process involved verifying that all revenue had been deposited and recorded, checking that all invoices had been matched and payments issued where possible, and that reservations of funds or encumbrances had been created for all known liabilities as of the closing date. Since the City operates on a cash basis of accounting, there are strict guidelines concerning the recognition of revenue and the manner in which liabilities are funded out of the closing fund balances. Once all of these items are posted, year-end balances are verified in each fund, and then examined in light of the estimated Proposed Budget balances.

The true year-end financial picture can only be determined after comparison of what the actual fund balances turned out to be against what had originally been estimated for the Proposed Budget. To the extent that revenues were better than we expected or where expenses were not as great, our available fund balance will increase. Where undercollection of revenue occurred or where expenses exceeded our estimate, the available balance drops.

On the revenue side, gross earnings tax collections for all of 2004 totaled \$20,483,282. Of the 2004 collections, 21% were net profit related, with withholding representing 79% (as compared to 21.8% / 78.2% in 2003). As reviewed earlier by the City Manager, a conservative posture for the 2005 projection remains appropriate. Combined 2005 projected earnings tax collections in the Final Budget are reflected at \$20,525,000, a .2% increase over actual 2004 results. A .25% factor was applied to 2004 actual collections for withholding tax for 2005, and net profit was kept at the 2004 level. Please refer to the enclosed memo for further information on the conversion of the Proposed Budget to its final recommended form.

The attachment to the ordinance will be very similar to the Proposed Budget, with the exception of the use of actual (not estimated) fund balances and the items described in the related memo.

Please direct questions regarding the closing or adjustment process or any of the adjustment items to the Treasurer or City Manager.

12.b.2. Ordinance No. 2005-4 - Approving engineering service rates for 2005

In late 2002, Council approved a five-year contract with the City's long-standing engineering firm (Blue Ash based CDS Associates) for general engineering services. The contract associated with that approval requires annual review and approval by the City of the updated hourly rates for that year. The Administration has reviewed the proposed rates from CDS, and recommends approval via passage of Ordinance No. 2005-4 (rates as attached to that ordinance).

Please address questions regarding this ordinance to the City Manager.

12.b.3. Motion authorizing the sale of real property at 5230 Cooper Road and on the east side of Monroe Avenue on the north side of Cooper Road with no further requirement to solicit additional bids

On October 14, 2004, City Council approved Ordinance No. 2004-92 which amended Section 113.01 of the Blue Ash Code of Ordinances clarifying the procedure associated with the sale of real property owned by the City but no longer needed for municipal purposes. That section of the code and amending ordinance requires that "Any interest in real property held by the City not needed for municipal purposes may be sold, donated, disposed of, transferred, or traded by the City Manager by ordinance. If such property is to be sold, City Council, by motion, shall make a determination whether bids shall be solicited."

The purpose for this motion relates to Ordinance No. 2005-5 (later on this agenda) regarding the sale of City owned property at 5230 Cooper Road as well as residual property located along the east side of Monroe Avenue. This motion would comply with the requirement to formally state that there is no further requirement to solicit additional bids relating to the sale of this property. (See the memo description below regarding the subject property sale for more information.)

Please direct questions regarding this motion to the City Manager.

12.b.4. Ordinance No. 2005-5 - Authorizing the sale of City-owned real property

As stated above and as Council is aware, the City would like to sell, at fair market value, surplus City-owned property (no longer needed for municipal purposes) for incorporation into the proposed residential development known as "Paradiso on the Square" in the Cooper Road/Cooper Lane area. The properties to be sold include the residual along the east side of Monroe Avenue as well as the property at 5230 Cooper Road, which together comprise approximately 1.23 acres. This proposed residential development is also under Council's consideration at this meeting for public hearing as well as ordinance approval (Ordinance No. 2005-1), with said ordinance seeking a rezoning request subject to approval of a large scale residential development plan. The proposed sale amount for both properties under consideration is not less than \$250,000.

Please address questions regarding this ordinance to the City Manager.

12.b.5. Ordinance No. 2005-6 - Amending Ordinance No. 2003-114 regarding professional legal services

As Council has been notified (via memo mailed in December), the Solicitor has asked that Council approve a rate increase for Dinsmore & Shohl legal services effective in January 2005. Essentially, the rate increase represents a \$10 per hour increase for work performed by attorneys (to \$160 per hour) and a \$10 per hour increase for work performed by paralegals (to \$105 per hour). The Administration recommends approval of this increase.

Please direct questions regarding this ordinance to the Solicitor.

12.b.6. Ordinance No. 2005-7 - Authorizing contract for forms/supplies in 2005

Ordinance No. 2005-7 authorizes the purchase of various items from Data Design for an amount not to exceed \$36,000 in 2005. In accordance with auditing procedures, this ordinance is required since the cumulative 2005 purchases from this vendor are expected to exceed the ordinance threshold of \$25,000. Examples of the items purchased from Data Design include most of our preprinted earnings tax forms, specialized labels and printer ribbons for the Tax/Finance computer system, various types of computer paper, specialized reporting forms (W-2 - 1099), and most of the multi-part checks that the City utilizes for printing on the computer system. Since these purchases are made throughout the year on an as-needed basis, and since they often involve multiple departments, artwork, or custom printing, it is nearly impossible to secure a once-a-year bid arrangement. At the time of purchase, alternative sources of supply are considered and competitive quotes are obtained when possible.

However, our experience with "low bid" tax forms and other specialized documents has been poor, supporting reliance upon Data Design.

Please direct questions regarding this ordinance to the Treasurer.

12.b.7. Ordinance No. 2005-8 - Authorizing payment to Blue Ash Sister City, Inc. in 2005

As Council is aware, in 2002, the non-profit organization Blue Ash Sister City, Inc. (BASC) was formed (with the assistance of Dinsmore & Shohl) to assist the City in its sister city program efforts with Ilmenau, Germany. Ordinance No. 2005-8 authorizes the payment of the \$28,000 targeted in the Budget for these efforts to BASC. Regarding expected sister city program activity in 2005, a Blue Ash delegation is scheduled to visit Ilmenau in late April (many of those delegates are expected to represent the Blue Ash business community).

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

12.c.1. Ordinance No. 2005-9 - Authorizing contracts for professional class instruction and printing services in 2005

The first portion of Ordinance No. 2005-9 authorizes a contract with Sharon Struewing for professional aerobic dance instruction services associated with the popular Jazzercise classes. Ms. Struewing continues to lead several classes each week at the Recreation Center. The ordinance authorizes a not-to-exceed amount of \$60,000 in 2005.

The second and final portion of Ordinance No. 2005-9 authorizes a contract with Cincinnati Graphics Group for artwork and printing of various Recreation Department brochures and flyers for an amount not to exceed \$34,000 in 2005. Although no one brochure or printing project is expected to exceed the \$25,000 ordinance threshold, since the aggregate services required from this vendor will exceed \$25,000 in a single year, an ordinance is being sought to fulfill audit guidelines. Examples of the items include the design and printing of the all-color seasonal Recreation brochures, concert flyers, backstage passes, posters (for concert series), and other informational material. In addition to being mailed to residents and Recreation Center members on a regular basis, this material is also utilized for general promotional purposes throughout the year. Council is requested to waive formal bidding procedures since this work would be difficult, if not impossible, to bid since the seasonal Recreational brochures may not be consistent in coloring, artwork, etc. Future programming is somewhat difficult to predict and therefore difficult to detail in specifications required for such a bid.

It should be noted that much of the costs to the City authorized in this ordinance are recaptured through the programming fees collected from class participants or through the membership fees collected.

Please direct questions regarding this ordinance to the Parks & Recreation Director.

12.c.2. Ordinance No. 2005-10 - Authorizing 2005 purchase of grounds maintenance and restaurant supplies and authorizing contractual landscaping and spraying services

The first portion of Ordinance No. 2005-10 authorizes the purchase of restaurant, concession, and catering-related supplies for 2005 for the Sandtrap Sandwich Shop; the various recreation concession operations, including facilities at the Recreation Center and Sports Center; and catering-related services and supplies for Recreation programming. In considering past working relationships, prices, product quality, and delivery/overall service, the Parks & Recreation Director is recommending that Council authorize the purchase of these various supplies from US Food Service for an aggregate amount in 2005 not to exceed \$50,000. It should be noted that the revenue obtained from the sale of these items or the programming fees collected through the related recreation programs will at least offset the cost.

The second portion of Ordinance No. 2005-10 authorizes contracts with vendors for the purchase of various materials for the maintenance, development and upkeep of the golf course, park, and municipal grounds areas throughout 2005. These contracts allow the purchase of supplies such as landscaping and irrigation materials, pesticides, fungicides, herbicides, pre-emergent herbicides and specialized fertilizer and turf treatments necessary for the golf and grounds maintenance operations. The Parks & Recreation Director, Golf Superintendent, and Parks Superintendent are recommending the contracts be authorized with the following for

2005 supplies:

- ??Lesco for an amount not to exceed \$83,000;
- ??Alvis Landscape & Golf Course Materials, Inc. for an amount not to exceed \$41,000;
- ??Advanced Turf Solutions for an amount not to exceed \$70,000.
- ??Simplot Partners for an amount not to exceed \$45,000.
- ??Irvine Wood Recovery for an amount not to exceed \$35,000 (purchase of mulch).
- ??The Brickman Group for an amount not to exceed \$120,000 (note that this amount would include contractual mowing and/or spraying services utilized from this vendor as well as purchase of various grounds materials).

The final portion of this ordinance authorizes a contract with Century Equipment, Inc. for an amount not to exceed \$185,000 in 2005 for the necessary repair and maintenance parts for the ongoing repair and refurbishing of City equipment and irrigation systems.

Council's consideration of this ordinance is necessary to deter audit-related difficulties that could arise should the decision be made to view these purchases as a group even though they would occur throughout the year and from different departments/divisions. The City has maintained a positive working relationship with these vendors over the past several years, and has been satisfied with the service, products, and materials received. It is not anticipated that all not to exceed amounts listed above for each vendor will be reached; however, to have the flexibility of multiple vendors assure the City is able to take advantage of the best pricing and delivery available at the time the product is purchased.

Please direct questions regarding this ordinance to the Parks & Recreation Director.

12.c.3. Motion authorizing bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials and services; mowers and other grounds maintenance and snow removal equipment and vehicles; fitness and athletic equipment; paver repair; renovation of maintenance facilities; and the sale of excess property and equipment

As is routine for the first meeting of the year, this motion appropriately authorizes the solicitation of bids for projects in the Parks & Recreation areas of responsibility.

12.d.1. Ordinance No. 2005-11 - Authorizing contract for professional services related to the disposal of hazardous household waste in 2005

For many years, the City of Blue Ash has provided household hazardous waste disposal services at the Service Garage. Many residents avail themselves of this valuable and much appreciated service.

Three years ago, the City changed contractors to acquire better and more responsive services. Ordinance No. 2005-11 authorizes the City Manager to enter into a contract with Midwest Environmental for services for 2005 for an amount not to exceed \$40,000. Service Garage personnel are pleased with the services rendered and Midwest Environmental is properly certified for such disposal activities. While monthly or bi-monthly pickup and disposal costs are far below the \$25,000 annual threshold, it is likely that the total yearly cost will exceed said threshold (costs in 2002 were \$34,000; 2003 - \$35,000; and 2004 - \$31,000).

Please direct questions concerning this ordinance to the Service Director.

12.d.2. Ordinance No. 2005-12 - Authorizing purchase of a chipper from the State of Ohio Cooperative Bid list

In order to address numerous requests to provide a brush chipping service to our residents, the Service Department submitted a request to purchase a brush chipper in the budget for 2005 and thus reinstate a valued City service.

While researching the purchase of a brush chipper, it was deemed in the City's best interest to purchase a new Bandit Chipper from Franklin Tractor Sales through the State of Ohio's Cooperative Purchasing Agreement. The total price of the chipper is \$34,500.00. After a complete review of the specifics of this purchase by Service Department personnel, we recommend the City purchase one (1) new Bandit Brush Chipper and related accessories from Franklin Tractor Sales Inc. through the State of Ohio Cooperative Purchasing Agreement.

Please direct any questions regarding this ordinance to the Service Director."

Planning & Zoning Committee, James W. Sumner, Chairperson

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2005-1 by title only (it having been read in its entirety during the public hearing).

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-1

APPROVING MODIFICATION OF A DEVELOPMENT PLAN IN THE C-2 PLANNED COMMERCIAL DISTRICT (UNDER CHAPTER 1157 AND 1185 OF THE PLANNING AND ZONING CODE) LOCATED AT 9237 PLAINFIELD ROAD FOR THE DEMOLITION OF AN EXISTING ARBY'S RESTAURANT AND CONSTRUCTION OF A NEW ARBY'S RESTAURANT BUILDING ON PROPERTY CONSISTING OF APPROXIMATELY .552 ACRES (BOOK 612, PAGE 70, PARCEL 213 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS)

Councilman Sumner moved, Councilwoman Stoller 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 Sumner moved to amend Ordinance No. 2005-2 to add the following (#5) condition within Section I of the ordinance:

5. Issuance of the building permit is contingent on a monument sign in compliance with Blue Ash's sign ordinances.

Councilman Czerwonka seconded to amend the ordinance as noted. The Clerk called the roll. Councilpersons Sumner, Buckman, Stacey, Czerwonka, Weber, and Mayor Bryan voted yes. Councilwoman Stoller voted no. Six yeses. One no. Motion passed.

Councilman Sumner moved, Vice Mayor Buckman seconded to adopt Ordinance No. 2005-1 as amended. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Seven yeses. Ordinance No. 2005-1 passed as amended.

Councilman Sumner asked the Clerk of Council to read Ordinance No. 2005-2 by title only (it having been read in its entirety during the public hearing).

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-2

AMENDING THE DISTRICT MAP ESTABLISHED IN THE CODIFIED ORDINANCES OF THE CITY OF BLUE ASH, PART ELEVEN, PLANNING AND ZONING CODE, CHAPTER 1141, AND THUS THE BOUNDARIES OF THE DISTRICTS AS APPROVED ON MARCH 13, 2003, BY PLACING CERTAIN REAL ESTATE IN THE R-3 RESIDENTIAL DISTRICT (INCLUDING 9571, 9561, 9551, & 9541 COOPER LANE AND 5230 & 5020 COOPER ROAD [AFFECTING BOOK 612, PAGE 40, PARCELS 380, 379, 375, 339, 345, 236, & 235 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS]); AND APPROVING A LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN UNDER SECTION 1149.07 OF THE COMPREHENSIVE ZONING ORDINANCE ALLOWING RAZING OF EXISTING SINGLE-FAMILY DWELLINGS AND CONSTRUCTION OF NEW SINGLE-FAMILY DWELLINGS ON PROPERTIES LOCATED ON THE NORTH SIDE OF COOPER ROAD AND THE WEST SIDE OF COOPER LANE (AFFECTING THE PROPERTIES DESCRIBED ABOVE AS WELL AS 5010, 5008, AND 4950 COOPER ROAD AND 5008 COOPER LANE [BOOK 612, PAGE 40, PARCELS 234, 233, 601, AND 231 OF THE HAMILTON COUNTY OFFICE RECORDS])

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

Councilman Sumner moved, Councilwoman Stoller seconded to amend the ordinance to strike any reference to 5008 Cooper Lane (but not to strike reference to the associated Book, Page, and Parcel number). (The developer later explained that this address was associated with an involved parcel behind others, though it may appear not to be a "real" street address.) Councilpersons Stacey, Czerwonka, Stoller, Weber, Sumner, Buckman, and Mayor Bryan voted yes. Seven yeses. Motion passed.

Councilman Sumner moved, Councilman Stacey seconded to adopt Ordinance No. 2005-2 as amended. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, Buckman, and Mayor Bryan voted yes. Councilman Sumner voted no. Six yeses. One no. Ordinance No. 2005-2 passed. Councilman Sumner commented that he is not convinced that this is the right project for this land and that he has reservations involving its density as well as extremely high price ranges of the new homes planned.

Finance & Administration Committee, Mark F. Weber, Chairperson

Councilman Weber asked the Clerk to read Ordinance No. 2005-3 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-3

AN ORDINANCE MAKING APPROPRIATIONS FOR THE EXPENSES OF THE CITY OF BLUE ASH, OHIO, FOR THE FISCAL YEAR OF 2005; AND DECLARING AN EMERGENCY

Councilman Weber moved, Councilman Stacey 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 yeses. Motion carried.

Councilman Weber moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-3. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Sumner, Buckman, Stacey, Czerwonka, and Mayor Bryan voted yes. Seven yeses. Ordinance No. 2005-3 passed.

Councilman Weber asked the Clerk to read Ordinance No. 2005-4 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-4

AUTHORIZING GENERAL ENGINEERING, ARCHITECTURAL AND RELATED SERVICE RATES FOR 2005 WITH CDS ASSOCIATES, INC.; 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 Weber, Sumner, Buckman, Stacey, Czerwonka, Stoller, and Mayor Bryan voted yes. Seven yeses. Motion carried.

Councilman Weber moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-4. There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Seven yeses. Ordinance No. 2005-4 passed.

Councilman Weber moved, Councilman Stacey seconded to authorize the sale of real property at 5230 Cooper Road and on the east side of Monroe Avenue on the north side of Cooper Road with no further requirement to solicit additional bids. A voice vote was taken. All members voted yes. Motion carried.

Councilman Weber asked the Clerk to read Ordinance No. 2005-5 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-5

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND THEREAFTER ENTER INTO A CONTRACT FOR THE SALE OF CITY-OWNED REAL PROPERTY LOCATED ALONG THE EAST SIDE OF MONROE AVENUE NORTH OF COOPER ROAD (PARCEL 692 OF PAGE 40 OF BOOK 612 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS) AND REAL PROPERTY LOCATED AT 5230 COOPER ROAD, SITUATED ON THE NORTH SIDE OF COOPER ROAD WEST OF COOPER LANE (PARCELS 236 AND 345 OF PAGE 40, BOOK 612 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS); 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 Buckman, Stacey, Czerwonka, Stoller, Weber, Sumner, and Mayor Bryan voted yes. Seven yeses. Motion carried.

Councilman Weber moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-5. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, Sumner, Buckman, and Mayor Bryan voted yes. Seven yeses. Ordinance No. 2005-5 passed.

Councilman Weber asked the Clerk to read Ordinance No. 2005-6 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-6

AMENDING SECTION I OF ORDINANCE NO. 2003-114 REGARDING
PROFESSIONAL LEGAL SERVICES; AND DECLARING AN EMERGENCY

Councilman Weber moved, Vice Mayor Buckman 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 yeses. Motion carried.

Councilman Weber moved, Councilman Stacey seconded to adopt Ordinance No. 2005-6. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Sumner, Buckman, Stacey, Czerwonka, and Mayor Bryan voted yes. Seven yeses. Ordinance No. 2005-6 passed.

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

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-7
AUTHORIZING FISCAL YEAR 2005 PURCHASES OF FORMS AND SUPPLIES
FOR AN AMOUNT NOT TO EXCEED \$36,000; 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 yeses. Motion carried.

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

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

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-8
AUTHORIZING THE CITY MANAGER TO ENTER INTO A
PROFESSIONAL SERVICES AGREEMENT WITH BLUE ASH
SISTER CITY, INC. FOR YEAR 2005 PROFESSIONAL SERVICES
ASSOCIATED WITH THE SISTER CITY PROGRAM WITH
ILMENAU, GERMANY; 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 yeses. Motion carried.

Councilman Weber moved, Councilman Czerwonka seconded to adopt Ordinance 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 yeses. Ordinance No. 2005-8 passed.

Parks & Recreation Committee, Lee Czerwonka, Chairperson

Councilman Czerwonka asked the Clerk to read Ordinance No. 2005-9 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-9
AUTHORIZING THE CITY MANAGER TO ENTER INTO 2005
CONTRACTS FOR PROFESSIONAL CLASS INSTRUCTION
SERVICES FOR RECREATION DEPARTMENT SPONSORED
AEROBIC DANCE (JAZZERCIZE) CLASSES AND FOR
PRINTING SERVICES; AND DECLARING AN EMERGENCY

Councilman Czerwonka moved, Councilman Weber 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 yeses. Motion carried.

Councilman Czerwonka moved, Councilman Stacey seconded to adopt Ordinance No. 2005-9. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Weber, Sumner, Buckman, Stacey, Czerwonka, and Mayor Bryan voted yes. Seven yeses. Ordinance No. 2005-9 passed.

Councilman Czerwonka asked the Clerk to read Ordinance No. 2005-10 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-10

AUTHORIZING 2005 PURCHASES OF THE FOLLOWING FOR MULTIPLE PARKS & RECREATION DEPARTMENT DIVISIONS: RESTAURANT, CONCESSION, AND CATERING-RELATED SUPPLIES; GROUNDS MAINTENANCE SUPPLIES; CONTRACTUAL LANDSCAPING AND SPRAYING SERVICES; AND REPAIR AND MAINTENANCE PARTS/SERVICE; AND DECLARING AN EMERGENCY

Councilman Czerwonka 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 yeses. Motion carried.

Councilman Czerwonka moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-10. Councilman Sumner commented that he will abstain from voting due to a potential conflict of interest. There being no further discussion, the Clerk called the roll. Councilpersons Buckman, Stacey, Czerwonka, Stoller, Weber, and Mayor Bryan voted yes. Councilman Sumner abstained. Six yeses. One abstention. Ordinance No. 2005-10 passed.

Councilman Czerwonka moved, Councilwoman Stoller seconded to authorize bids for Parks & Recreation Department vehicles; streetscaping and landscaping materials and services; mowers and other grounds maintenance and snow removal equipment and vehicles; fitness and athletic equipment; paver repair; renovation of maintenance facilities; and the sale of excess property and equipment. A voice vote was taken. All members voted yes. Motion carried.

Public Works Committee, Henry S. Stacey, Chairperson

Councilman Stacey asked the Clerk to read Ordinance No. 2005-11 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-11

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR HAZARDOUS HOUSEHOLD WASTE MATERIALS DISPOSAL SERVICES IN 2005; AND DECLARING AN EMERGENCY

Councilman Stacey 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 yeses. Motion carried.

Councilman Stacey moved, Councilman Czerwonka seconded to adopt Ordinance No. 2005-11. There being no discussion, the Clerk called the roll. Councilpersons Stacey, Czerwonka, Stoller, Weber, Sumner, Buckman, and Mayor Bryan voted yes. Seven yeses. Ordinance No. 2005-11 passed.

The Clerk was asked to read Ordinance No. 2005-12 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2005-12

AUTHORIZING THE PURCHASE OF A BRUSH CHIPPER AND RELATED ACCESSORIES FOR SERVICE DEPARTMENT ACTIVITIES THROUGH THE STATE OF OHIO'S COOPERATIVE PURCHASING AGREEMENT; AND DECLARING AN EMERGENCY

Councilman Stacey 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 yeses. Motion carried.

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2005-12. 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. 2005-12 passed.

MISCELLANEOUS BUSINESS

Mayor Bryan congratulated *Northeast Suburban Life* reporter Forrest Sellers (present in the audience) on his recent engagement.

City Manager Thompson commented that the Administration plans to present at the January 27th meeting their plans for 6171 Interstate Circle. He also announced that Ursuline is planning to do a major expansion. More information will be passed along as soon as it is known.

Mayor Bryan complimented the City on its budgetary efforts – on spending smartly and watching the budget closely.

Service Director Denny Albrinck distributed a memo further explaining the City's snow removal policies and procedures. Mayor Bryan commented that perhaps a future more extensive newsletter article would be of benefit for citizens, perhaps including timing information indicating when they may expect their street to be plowed under varying circumstances. He also suggested the possibility of offering a phone number that residents could call under such circumstances, just to make sure they are not "forgotten." Mayor Bryan complimented crews on their efforts and noted that four days later, even the worst street in Blue Ash looked better than the best street in Cincinnati.

Councilman Sumner noted that Betty Bell would soon be relocating to The Lodge. He commented that Chuck Funk and David Waltz had visited similar historic homes in Centerville and Kettering, and suggested that Council consider visiting them as well. Sue will call Council regarding the scheduling for such a visit of these houses, potentially on an upcoming Saturday.

Vice Mayor Buckman offered his compliments on snow removal, and noted property maintenance problems at 9304 Blue Ash Road as well as 4718 Hunt Road. Councilman Sumner added that the problem property on the east side of Kenwood at the Ronald Reagan Highway ramps continues to be a problem.

Councilman Czerwonka complimented crews on their snow removal efforts. He asked that an old construction sign near Wolfe Machine on Creek Road be picked up/removed.

In addressing a question from Councilman Czerwonka regarding the City terminating its contract with IBI, Assistant City Manager Waltz commented the City has given IBI notice, and that the City will not be working with IBI past March/April. Councilman Sumner expressed concern in adding work to a contractor who he considers of questionable quality (National Inspection Corporation). In his opinion, NIC has been nothing but problems for the City (including creating delays for applicants, poor projects, etc.). City Manager Thompson agreed that there have been problems; but, the Administration has been very pleased with their inspection work. He acknowledges that zoning issues have been a problem (which the Administration is working to resolve). Councilwoman Stoller commented that NIC has done many inspections to her knowledge and in her opinion performs well in this respect. After some discussion, it was agreed that the Administration would present to Council a comprehensive report including information as to what the Administration views as criteria for "good work" from NIC as well as an action plan to improve this City responsibility.

In reiterating his desire to preserve housing diversity in Blue Ash, Mayor Bryan commented that he hopes the City will continue to keep the pressure upon property maintenance. Councilman Sumner expressed concern with his view that the City Administration may be "sending a message" to homeowners that we do not think they should invest to improve their properties (including in the Tillsam Court/Blue Ash Road areas). He believes this contributes to the cycle of tear downs. He stressed his opinion that the City must be careful to preserve older neighborhoods, that new building should be consistent (including price ranges) with the rest of the neighborhood, and that the Administration should discontinue encouraging developers to tear down old homes. Councilwoman Stoller commented that it would be impossible for a developer to rebuild a home in the same price range as existing homes simply because costs are increasing. Councilman Weber commented that it would be economically unfeasible for the City to encourage similar housing in such circumstances. He explained that we have created a City where people want to live, and that it would be inappropriate for the City to tell people what they can and cannot do with

their property. To build houses of the same value would be unrealistic. He further explained that he believes in the thought of maintaining diversity; however, if the City does not change when appropriate opportunities present themselves, a downward trend for the community is imminent.

Mayor Bryan commented that he disagrees with Councilman Sumner's thoughts and added that the City has no desire to push people from their moderately-priced homes. Councilwoman Stoller agreed with Mayor Bryan and commented that this simply is change, and that the project approved this evening will be an upgrade for the adjacent Arcadia neighborhood.

ADJOURNMENT

All items on the agenda having been acted upon, Councilman Weber moved, Councilman Sumner seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 10:04 PM.

Rick Bryan, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

Susan K. Bennett, Deputy Clerk of Council