

BLUE ASH CITY COUNCIL

September 24, 2015

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1. MEETING CALLED TO ORDER

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on September 24, 2015. Mayor Lee Czerwonka called the meeting to order in Council Chambers at 7:00 PM.

2. OPENING CEREMONIES

Mayor Czerwonka led those assembled in the Pledge of Allegiance.

3. ROLL CALL

MEMBERS PRESENT: Vice Mayor Tom Adamec, Councilman Rick Bryan, Councilman Robert Buckman, Councilman Marc Sirkin, Councilwoman Stephanie Stoller, Councilman James Sumner, and Mayor Lee Czerwonka

ALSO PRESENT: City Manager David Waltz, Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Treasurer Sherry Poppe, Parks & Recreation Director Chuck Funk, Public Works Director Gordon Perry, Fire Chief Rick Brown, Administrative Assistant Karla Plank, NESL Marika Lee, and interested citizens

4. PUBLIC HEARING – to consider the approval of a Zoning Text Amendment regarding residential uses in the D-1 Downtown Commercial District (Ordinance No. 2015-67, first reading)

Mayor Czerwonka asked the Clerk to read Ordinance No. 2015-67 in its entirety.

ORDINANCE NO. 2015-67

APPROVING A ZONING TEXT AMENDMENT TO PERMIT MIXED-USE RESIDENTIAL AND RESIDENTIAL AS SPECIAL USES IN THE D-1 DOWNTOWN COMMERCIAL DISTRICT

WHEREAS, the City desires to allow residential uses in the D-1 Downtown Commercial zoning district, with provisions that will lessen the potential for negative impacts on adjacent properties; and

WHEREAS, the current regulations should be amended to clarify the type and form of residential uses that satisfies the City's desire; and

WHEREAS, development plans that have previously been approved by procedures specified in the Zoning Code and other applicable laws have vested rights to be developed and occupied in conformance with the laws in effect at the time of approval; and

WHEREAS, existing developments are protected by the Nonconforming Uses provisions in Chapter 1187 of the Zoning Code; and

WHEREAS, the procedure for consideration of amendments to the text of the Zoning Code is encompassed under Chapter 1127 of the Planning and Zoning Code of the Codified Ordinances of the City of Blue Ash, Ohio; and

WHEREAS, the Planning Commission of the City of Blue Ash, as reflected in its minutes thereof dated August 6, 2015, has recommended approval of the Zoning Text Amendment as proposed; and

WHEREAS, notice has been given in conformance with Section 713.12 of the *Ohio Revised Code* via publication in the *Northeast Suburban Life-Press* on August 19, 2015; and

WHEREAS, a public hearing pursuant to said notice was held before the Council of the City of Blue Ash, Ohio, on September 24, 2015.

Be it ordained by the Council of the City of Blue Ash, Ohio,

SECTION I.

The Blue Ash Code of Ordinances is hereby amended as follows:

Delete (strike-through) multi-family residential from the D-1 District:

1159.03 USE REGULATIONS.

(a) Permitted Uses. The following uses shall be permitted within the D-1 District.

...
(4) ~~Multi family residential.~~

Add (*italics*) Residential as a Special Use in the D-1 District:

1159.03 USE REGULATIONS.

(c) Special Uses. The following special uses may be permitted with consideration given to the following criteria, in addition to the conditions set forth in Chapter 1183: characteristics of occupants; type of supervision; size of the site and density; people activity; vehicular activity; duration of activity; off-site impact; demand on community services; community needs; health, safety and general welfare; and overall appearance.

(2) *Mixed-Use Residential.*
(3) *Residential.*

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Add (*italics*) specific Special Use provisions that will specifically regulate D-1 residential uses:

1183.06 SPECIFIC CRITERIA FOR REVIEWING APPLICATIONS.

In addition to the general criteria listed above, Special Uses shall comply with the following requirements for each use:

- (j) *D-1 District Mixed-Use Residential.*
 - (1) *Must be within a building containing a non-residential use.*
 - (2) *The majority of first floor elevations of buildings adjacent to a street or right-of-way shall be a non-residential use other than parking.*
 - (3) *The minimum required setback shall increase by ten (10) feet per floor for each floor above the second floor of any building that contains a residential use, where it abuts an adjacent residential zoning district.*
- (k) *D-1 District Residential.*
 - (1) *Buildings shall be no more than two stories above grade.*

SECTION II.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of City Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION III.

This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this 8th day of October, 2015.

FIRST READING: September 24, 2015

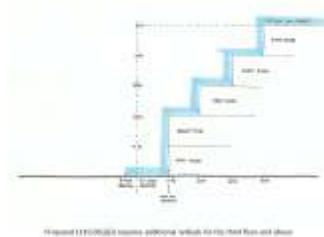
D-1 Residential

Planning Commission, August 5, 2015
City Council, September 24, 2015

First-floor, non-residential use with residential above and two-story parking garage to the rear. This building contains about 100 residential units.



City Manager David Waltz presented to Council, on behalf of Community Development Director Dan Johnson, an overview of the proposed D-1 Residential change. Mr. Waltz explained that over the past year and a half, the City has been updating its Land Use Plan. One of the priorities that emerged from Council at the end of the adoption of the Land Use Plan was to do a short term examination to fix the downtown zoning code until the entire zoning code could be updated within the next year and examine the effects of large scale residential developments in the downtown area. Council's discussion was to eliminate multi-family completely and to incorporate mixed-use elements which were called for in the mixed-use plan. Planning Commission and Staff made a review and felt multi-family, as a permitted use by itself, would no longer be permitted in the downtown zoning district. It would be permitted as a special use as indicated under Section 1183.06 but within a mixed-use environment. It was concluded by Planning Commission and Staff to keep it simple and state that buildings must contain a non-residential use. Another specific element would require non-residential use on the first floor. Other concerns of Council were the impact of large scale residential adjacent to single-family neighborhoods. Section 3 specifically has a ten foot set-back for each floor above two floors. Staff also received feedback about the impact on allowing townhouse-style projects in the downtown district. The fix was recommended to permit townhouses as long as it was a two-story scale building.



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In order to see what other communities were doing with their mixed-use developments, Council toured a project in the Columbus area. In slide 2 and 3, the building had three floors of multi-family residential. Part of the second floor was office and the first floor was a restaurant, yoga shop, and a few other small businesses. As depicted in slide 2, most of the first floor of the building, about 2/3 of it, is non-residential. In the back of the building is a parking structure with the majority of the building facing the road.

The criteria for the proposed zoning change would be non-residential on the first floor and face the road. When adjacent to single family neighborhoods, there is a set-back for a 2nd floor building and every floor thereafter making it a tiered set-back. There are no specific criteria as to what percentage has to be residential, non-residential, parking, etc.



Park Manor townhome - two-story residential only.

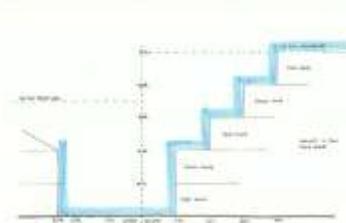


Plan of proposed and existing (grey) with residential units in use and a courtyard building with commercial uses at first floor allows for maximum residential density.

Staff attempted to show the scale of the Columbus project and the Park Manor building (slide 5), as an example of how it could be used on the Hosbrook property. Retail could be placed in the front of property with housing in the back.



Plan of proposed and existing (grey) with residential units in use and a courtyard building with commercial uses at first floor allows for maximum residential density.



Proposed (blue) shows additional setback for first floor and above.

Another example used was on Tater's lot, where two Park Manor buildings could be built.

Currently, the Downtown is in a Special Use District. One option is to wait to change the code until the full code could be determined within the next year; or, under Council's directive, do the proposed short-term fix that Staff feels would be the simplest way without belaboring the point.

Councilman Sumner stated that this matter was discussed at length by Planning Commission and ultimately unanimously recommended to Council. He explained the Comprehensive Plan updates had the community's input. There was much discussion about mixed-use and it was a clear goal for the community, not only for downtown but in much of Blue Ash. He believes the interim adjustments provide additional tools for the City to drive more appropriate developments downtown to enhance the mixed-use goal. He feels there has been some question that this proposal brings some non-conforming use and stated that most of downtown is non-conforming. Each time a code change is done, it makes some of the properties non-conforming.

Steve Feldman, Government Affairs Director for Home Builders Association of Greater Cincinnati, was pleased to have the recommendation of two-story townhomes be permitted in the Downtown District even though he felt a lot of other communities have three-story townhomes – two stories and a garage. Mr. Feldman requested Council to put off the Zoning Code changes until a collaborative process could be done. In Mr. Feldman's visits to different communities, he expressed that multi-use only works in certain districts and is uncertain that Blue Ash is one of those districts. He feels the change to the zoning code is premature and does not need to be done now. He recommended that it be held off until a collaborative process and an economic viability study could be done to see if mixed-use is proper within the Downtown District which he volunteered the Apartment Association and Home Builders Association be a part of the process.

Joe Trauth, Counsel for Hills Properties who is currently developing 4900 Hunt Road,

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expressed his concerns to the proposed ordinance which would make 49 Hundred a non-conforming use. He feels if the ordinance is approved, it would devalue properties and thereby place risks to developers/property owners in obtaining financing such as the case with the Hills 49 Hundred project valued at \$30 million. He believes the Comprehensive Plan done in 1986 and 2006 was a very thought-out, long-term process. It took into consideration planning principles that are in existence today for urban downtown areas. The proposed ordinance limits development to two stories with retail on the first floor. Section 1183.06 states "but in the event there was a four-story building, there would be a 20 foot setback" which limits the use of the property. In addition, it states: "to require some non-residential use on the first floor" when there is no demand. He believes this language controls the market place and should not be the purpose of this type of legislation. Mr. Trauth respectfully requested Council to table the proposed ordinance as to not damage the downtown area.

Charles Tassel, Director of Government Affairs for Greater Cincinnati NKy Apartment Association, stated his concerns that the proposed legislation is a patchwork piece rather than an overall approach toward the planning process taken by Blue Ash City Council in 1986 and 2006. He stated the Greater Cincinnati NKy Apartment Association has been long-term stakeholders in the community through various members to the extent that projects are done in a fiscally responsible manner of the market place. Mr. Tassel requested Council to make additional considerations of the proposed legislation. He offered the assistance of the GCNK Apartment Association to participate in a planning process with the City that encompasses the nature of Blue Ash.

Jim Obert, Vice President Planning and Zoning Development for Hills Development, understands that 49 Hundred has created an impact on the community, but he hopes over the course of the next decade, a favorable impact to the City of Blue Ash will be made. He requested Council to look at the financial implications the proposed ordinance would have on development in the downtown district. He feels 49 Hundred, Charleston, and the senior housing project along Blue Ash and Kenwood Road, would be immediately impacted. He stated that the Charleston project is currently under new ownership and believes if the proposed ordinance was in place at the time of the sale of Charleston, it probably would not have happened. Further, with the proposed zoning changes in the ordinance, businesses that may experience a catastrophic disaster to their building resulting in 60% damage, the proposed zoning will not permit rebuilding the development. This creates major issues to owners and banks. He believes these restrictions could prevent reinvestment in properties. Properties would be impacted by reinvestment and sale of projects to new owners. He feels the Hunt Road site is not a viable retail business area hence the reason why Firehouse Subs and Papa John's Pizza were not viable businesses in Blue Ash because they were not on the main stream of public traffic. If 49 Hundred were to experience a catastrophic loss to one of its buildings under the proposed zoning, it could only rebuild to a two-story building with retail on the first level which is not part of their business plan. Since 1986, the vision for Blue Ash was to rebuild the downtown core. The needs and demands change but, again, feels the proposed ordinance prevents reinvestment in the downtown district. He stated that as Hills being the largest investor in Blue Ash's downtown district, he would like to work toward an amicable solution

Councilman Sirkin expressed his concerns with the revisions to the zoning code which he believes could permanently be an issue for buildings in the downtown development district if something catastrophic should happen to the building and the owner would not be able to rebuild in its current capacity and conduct their business.

City Manager Waltz stated that non-conforming uses in Blue Ash are very common (i.e.: buildings along Blue Ash Road next to the railroad tracks and Keystone Plaza on Kenwood Road). In the event of a catastrophic disaster, Blue Ash would require them to adhere to the code

Vice Mayor Adamec suggested whether the City could parcel out businesses such as 49 Hundred and Charleston from the proposed zoning code changes.

Councilman Sumner expressed his concerns with the catastrophic loss scenario and feels Council is creating a new vision of what the downtown district is to look like in the future. Code changes have to be carefully considered to get additional planning tools so that development would be the most appropriate for the area. In doing so, there has to be a full understanding of the consequences intended or unintended.

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Mayor Czerwonka stated that each time changes or improvements are made to the Land Use Plan, non-conforming is being created. The Land Use Development Plan began over a year and a half ago. It was a very open process with the residents, businesses, etc. to express their comments which is where the City is today.

City Manager Waltz explained that the misconception by Attorney Trauth of the set back is only in the case where a business development is adjoining a residential development.

Councilman Sumner felt consideration needs to be given to new buildings such as 49 Hundred in the event of a catastrophic loss. In older buildings, such as of Keystone Plaza, Council needs to make a clear statement that the buildings adhere to the code.

Mayor Czerwonka understands the concerns of the developers of 49 Hundred where they have a project under construction that Council approved. He feels they should be exempt from the proposed change or be given special use.

Mr. Waltz posed that this is a policy matter and is up to Council as to how much they want to do or not do. However, the directive to-date was to eliminate future residential only developments and that this draft ordinance accomplishes such.

Councilman Sirkin stated that on a large project such as 49 Hundred, it should be able to be rebuilt whether Council changes the rules or not.

Mr. Waltz urged Council that if they are having reservations about allowing 49 Hundred to rebuild, then they needs to re-examine whether they really want to require mixed-use development.

There being no further questions or comments, the public hearing was declared closed at 7:49 PM.

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

Mayor Czerwonka appointed Sherry Poppe to read the legislation (ordinances) in their entirety in the rear of Council Chambers.

6. ACCEPTANCE OF REVISED AGENDA

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

1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL –Clerk of Council Jamie K. Eifert
4. PUBLIC HEARING – 7:05PM to consider the approval of a Zoning Text Amendment regarding residential uses in the D-1 Downtown Commercial District (Ordinance No. 2015-67, first reading)
5. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
6. ACCEPTANCE OF REVISED AGENDA
7. APPROVAL OF MINUTES
 - a. Regular Meeting of September 10, 2015
8. COMMUNICATIONS
 - a. Communications to Council –Clerk of Council Jamie K. Eifert
 - b. Mayors Report – August 2015
9. HEARINGS FROM CITIZENS

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10. COMMITTEE REPORTS

- a. Finance & Administration Committee, Rick Bryan, Chairperson
 - 1. Resolution No. 2015-9, accepting property tax rates for 2016
 - 2. Ordinance No. 2015-63, transferring funds
- b. Parks & Recreation Committee, Robert J. Buckman, Jr., Chairperson
 - 1. Ordinance No. 2015-64, awarding bid for BP 2-18 Glass Canopy General Trades at Summit Park
- c. Public Works Committee, Marc Sirkin, Chairperson
 - 1. Ordinance No. 2015-65, authorizing purchase of bulk rock salt
- d. Planning & Zoning Committee, James W. Sumner, Chairperson
 - 1. Ordinance No. 2015-66, authorizing an economic development agreement with Van Trust Real Estate LLC
- e. Public Safety Committee, Stephanie Stoller, Chairperson
 - 1. Resolution No. 2015-10, establishing trick-or-treat hours in Blue Ash (Saturday, October 31, 2015, 6-8PM)

11. MISCELLANEOUS BUSINESS

12. EXECUTIVE SESSION

- a. Property Acquisition – to consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.
- b. Potential Litigation – conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

13. ADJOURNMENT

7. APPROVAL OF MINUTES

Councilwoman Stoller moved, Councilman Sirkin seconded to approve the minutes of the regular meeting of September 10, 2015. A voice vote was taken. All members present voted yes. Motion carried.

8. COMMUNICATIONS

a. Communications to Council

The Clerk noted the City received a notice from the Ohio Division of Liquor Control for a request of a new D1 liquor license (Permit No. 20296920005) to Delicio LLC, d/b/a Qdoba Mexican Grill, 9749 Kenwood Road. The Police Department has reviewed the request and had no objections. There were no objections expressed by Council.

b. Reports From Outside Agencies

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

c. Mayor's Report – August 2015

TOTAL RECEIPTS:.....	\$11,715.99
DISBURSEMENTS:	
To Blue Ash	
Fines/costs/Expungements/forfeitures/NSF check charges, vendor permits).....	\$8,287.00
To the State of OH:	\$3,244.00
Victims of Crime	\$765.00
General Rev Fund.....now included in 2a below	
Expungements.....	\$30.00
Indigent Defense Support Fund 2a (Includes STG and bond surcharge).....	\$2,100.00
Drug Law Enforcement Fund 2b.....	\$259.00
Justice Program Service Fund	
Seat Belts	\$90.00
Indigent Driver's Alcohol Trtm't Fund.....	\$111.00
Refund of overpaid fines.....	\$0.00
Bond Money applied.....	\$0.00
Bond Money returned	\$0.00
Restitution payment	\$73.99
TOTAL DISBURSEMENTS.....	\$11,715.99
BALANCE IN BONDS: 8/31/2015.....	200.00
Mayor's Court traffic citations.....	76

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Mayor's Court criminal citations..... 14
 Total Mayor's Court cases 90
 Blue Ash rev. from Mayor's Ct. Cases:.....\$8,287.00

9. HEARINGS FROM CITIZENS

Charles Oyenuga, SMC Global LLC, requested Council's assistance on how to proceed with working with the City of Blue Ash in regard to sustainable energy and installing solar wind street lights within the City of Blue Ash.

Mayor Czerwonka referred Mr. Oyenuga to Public Works Director Gordon Perry.

Hearings from Citizens was declared closed at 7:53 PM.

10. COMMITTEE REPORTS

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

This memo offers a brief description of the topics included on the September 24th Council agenda.

4. Public Hearing – 7:05 PM to consider the approval of a Zoning Text Amendment regarding residential uses in the D-1 Downtown Commercial District (Ordinance No. 2015-67, first reading)

The proposed Zoning Text Amendment removes multi-family residential as a permitted use, but adds "mixed-use residential" and "residential" as Special Uses in the D-1 District. As Special Uses, there are additional criteria applied to any such developments that help to control the form of the use. They are also subject to individual review and approval by Planning Commission and City Council to help ensure that they are designed appropriately to limit any potential negative impacts on adjacent and nearby properties.

This is the Public Hearing for the approving Ordinance. The second reading and vote is scheduled for the regular City Council meeting on October 8, 2015.

Please direct questions regarding this ordinance to the Community Development Director, Dan Johnson or the City Manager.

10.a.1. Resolution No. 2015-9 – accepting property tax rates for 2016

As is customary this time of year, Council's consideration of this resolution is a part of the City's annual budgetary process and involves the Hamilton County Budget Commission. The Tax Budget for 2016, which was considered and adopted by Council in July, was submitted to the County Budget Commission for their review of our projected financials for next year. Resolution No. 2015-9 seeks Council's acceptance of the amounts and rates of taxation that were included within the Tax Budget, as certified by the Commission and reviewed by the County Auditor's office. In accordance with our Charter provisions and with our historical practice, the inside millage as expressed in this resolution remains at 3.08 mills.

Even though the millage is small (one of the lower municipal rates in the region), the City's overall assessed valuation contributes to a substantial source of revenue for the City (and, of course, property taxes from Blue Ash residential and commercial property owners represent the substantial revenue for the Sycamore Schools). Based upon the County's estimated December 31, 2015 total assessed valuation for Blue Ash, including all property assessed, the 2016 property tax revenue to the General Fund and the General Bond Retirement Fund to the City of Blue Ash should be approximately \$2,153,099.

Please direct questions relating to this ordinance to the Treasurer.

10.a.2. Ordinance No. 2015-63 – transferring funds

The transfer ordinance provides a budget modification for the following:

Economic Development

With Council's approval of Ordinance 2015-66, this budget adjustment will provide funding for an Economic Development project related to construction of Building III of the Landings.

Please direct any question regarding this Ordinance to the Treasurer.

10.b.1. Ordinance No. 2015-64 – awarding bid for BP2-18 Glass Canopy General Trades Rebid at Summit Park

This ordinance relates to Bid packages for the Glass Canopy in Phase 2 of the Summit Park project. This item was rebid as original bids did not meet the construction manager's satisfaction on specs and pricing. The City received three bids for 2-18 Glass Canopy General Trades Rebid. Administration recommends an award to John P. Tumlin & Sons, Ltd. For 2-18 Glass Canopy General Trades Rebid for the base bid amount including Alternate #06 as shown on the attached bid summary.

The scope of the work includes, but is not limited to structural steel, masonry, electrical, plumbing and lightning protection. This major aesthetic and functional component of the glass canopy has two masonry towers demarcating the entry to the glass canopy outdoor space. The entry towers will provide drainage for the entry canopy and the main glass canopy. Electrical panels and controls will be housed in these structures as well.

The expenses are fully covered by remaining unencumbered funds in the Summit Park Fund account and do not require additional funds from the General Fund. John P. Tumlin & Sons, Ltd. is deemed to be the most responsive bid based upon qualifications, service, past performance and price.

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

10.c.1. Ordinance No. 2015-65 – authorizing purchase of bulk rock salt

Ordinance No. 2015-65 authorizes a contract for the purchase of road salt for an amount not to exceed \$75.86 per ton. This purchase is in conjunction with the initiative, the Government Cooperation and Efficiency Project

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(GCEP), which is a shared purchasing arrangement available to all local governments within Hamilton County. The City of Cincinnati recently bid the purchase of salt, and the winning bidder was North American Salt Company. The unit cost of \$75.86 per ton (delivered to the Public Works salt barn). Blue Ash's intent is to purchase 3,000 tons through the Cincinnati contract.

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

10.d.1. Ordinance No. 2015-66 – authorizing an economic development agreement with Van Trust Real Estate LLC

Van Trust Real Estate LLC has purchased the remaining parcel of the Landings development in order to construct Landings III, a speculative Class A office building which will comprise of four stories and 140,000 sq. ft. It will be similar, though not identical, in size and appearance to Landings I and II. Van Trust plans to break ground later this year and the building should be finished by 2017. This Ordinance will commit a \$1 million forgivable loan to Van Trust towards that project.

Please direct questions regarding this ordinance to the Economic Development Director.

12.d.1. Resolution No. 2015-10 – establishing trick-or-treat hours in Blue Ash (Saturday, October 31, 2015, 6-8-PM)

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 Saturday, October 31, from 6 to 8 PM 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 ensuring that the safety of all is provided.

a. Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Resolution No. 2015-9 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2015-9

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Councilman Bryan moved, Councilman Buckman seconded to adopt Resolution No. 2015-9.

There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Adamec, Bryan, Sirkin, Stoller, and Mayor Czerwonka voted yes. Seven yeases. Resolution No. 2015-9 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2015-63 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2015-63

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2015-1 FOR THE YEAR 2015 (AS SHOWN ON ATTACHMENT); AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2015-63.

There being no discussion, the Clerk called the roll. Councilpersons Adamec, Bryan, Sirkin, Stoller, Sumner, Buckman, and Mayor Czerwonka voted yes. Seven yeases. Ordinance No. 2015-63 passed.

b. Parks & Recreation Committee, Robert J. Buckman, Jr., Chairperson

Councilman Buckman asked the Clerk to read Ordinance No. 2015-64 by title only.

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THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2015-64

AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT FOR BID PACKAGE 2-18 GLASS CANOPY GENERAL TRADES REBID ASSOCIATED WITH PHASE 2 OF THE SUMMIT PARK PROJECT; AND DECLARING AN EMERGENCY

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

Councilman Buckman moved, Councilman Sirkin seconded to adopt Ordinance No. 2015-64.

Parks and Recreation Director Chuck Funk indicated that the glass canopy could be complete after the first of the year. The steel for the canopy is currently being erected and, in a few weeks, the glass will be installed.

There being no discussion, the Clerk called the roll. Councilpersons Sirkin, Stoller, Sumner, Buckman, Adamec, Bryan, and Mayor Czerwonka voted yes. Seven yeases. Ordinance No. 2015-64 passed.

c. Public Works Committee, Marc Sirkin, Chairperson

Councilman Sirkin asked the Clerk to read Ordinance No. 2015-65 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2015-65

AUTHORIZING THE CITY MANAGER TO ENTER INTO A UNIT PRICE CONTRACT FOR THE PURCHASE OF BULK ROCK SALT FOR AN AMOUNT NOT TO EXCEED \$75.86 PER TON DELIVERED; AND DECLARING AN EMERGENCY

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

Councilman Sirkin moved, Councilman Buckman seconded to adopt Ordinance No. 2015-65.

There being no discussion, the Clerk called the roll. Councilpersons Sumner, Buckman, Adamec, Bryan, Sirkin, Stoller, and Mayor Czerwonka voted yes. Seven yeases. Ordinance No. 2015-65 passed.

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

Councilman Sumner asked the Clerk to read Ordinance No. 2015-66 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2015-66

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH VAN TRUST REAL ESTATE LLC (VAN TRUST); AND DECLARING AN EMERGENCY

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

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Ordinance No. 2015-66.

There being no discussion, the Clerk called the roll. Councilpersons Adamec, Bryan, Sirkin, Stoller, Sumner, Buckman, and Mayor Czerwonka voted yes. Seven yeases. Ordinance No. 2015-66 passed.

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e. Public Safety Committee, Stephanie Stoller, Chairperson

Councilwoman Stoller asked the Clerk to read Resolution No. 2015-10 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2015-10

AUTHORIZING HALLOWEEN ACTIVITIES AND
ESTABLISHING TIME LIMITATIONS IN THE CITY OF BLUE
ASH, OHIO, FOR SATURDAY, OCTOBER 31, 2015

Councilwoman Stoller moved, Councilman Sumner seconded to adopt Resolution No. 2015-10.

There being no discussion, the Clerk called the roll. Councilpersons Bryan, Sirkin, Stoller, Buckman, Adamec, and Mayor Czerwonka voted yes. Councilman Sumner voted his traditional "boo". Six yeses and one "boo". Resolution No. 2015-10 passed.

11. MISCELLANEOUS BUSINESS

Mr. Funk reported that earlier in the day, a 62 year old resident playing basketball at the Rec Center went into cardiac arrest. The Rec Center staff, along with the Fire Department, acted quickly and performed the AED resuscitation to save his life.

Fire Chief Rick Brown reminded Council of the Fire Department's Open House on Tuesday, October 6th from 5:00pm to 8:00pm and invited all to attend.

Councilman Bryan complimented the Rec Center staff for the Movie in the Park event at Summit Park. There were over 1,000 people who attended. Councilman Bryan also reported that Dr. Victoria Base-Smith from the Veterans Administration Hospital, will be the keynote speaker at the Veterans Day ceremony.

Councilman Sumner noted Mr. Waltz's letter to Senator Bill Seitz and Representative Jonathon Dever and felt the letter was extremely appropriate in an attempt to correct any misconceptions of local government.

12. EXECUTIVE SESSION

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

After matters pertaining to Property Acquisition and Potential Litigation were discussed, Councilman Bryan moved, Vice Mayor Adamec seconded to convene to the regular meeting. A voice vote was taken. All Council members voted yes. Motion carried.

13. ADJOURNMENT

All items on the agenda having been acted upon, Councilman Sirkin moved, Councilman Buckman seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:40 PM.

Lee Czerwonka, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES RECORDED AND WRITTEN BY:

Karla Plank, Administrative Assistant