

BLUE ASH CITY COUNCIL

March 12, 2009

Page 1

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on March 12, 2009. Mayor Robert J. Buckman, Jr. called the meeting to order in Council Chambers at 7:00 PM.

**OPENING CEREMONIES**

Mayor Buckman led those assembled in the Pledge of Allegiance.

**ROLL CALL**

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

MEMBER ABSENT: Councilman James Sumner

ALSO PRESENT: City Manager David Waltz, Solicitor Mark Vander Laan, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Parks & Recreation Director Chuck Funk, Public Works Director Mike Duncan, Fire Chief Rick Brown, Assistant to the City Manager Kelly Osler, and interested citizens

Councilman Bryan moved, Councilwoman Stoller seconded to excuse Councilman Sumner from the meeting (as he is traveling on business in Asia). A voice vote was taken. All members voted yes. Motion carried.

Mayor Buckman appointed Kelly Osler to read the legislation (ordinance) in their entirety in the rear of Council Chambers.

**ACCEPTANCE OF AGENDA**

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

- "1. MEETING CALLED TO ORDER
2. OPENING CEREMONIES
3. ROLL CALL - Clerk of Council Jamie K. Eifert
4. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
5. ACCEPTANCE OF AGENDA
6. APPROVAL OF MINUTES
  - a. Regular Meeting of February 26, 2009
7. COMMUNICATIONS
  - a. Communications to Council - Clerk of Council Jamie K. Eifert
  - b. Reports From Outside Agencies
8. HEARINGS FROM CITIZENS
9. COMMITTEE REPORTS
  - a. Finance & Administration Committee, Rick Bryan, Chairperson
    1. Ordinance No. 2009-17, authorizing adjustment of procedure associated with publication of passed legislation (first reading)
    2. Ordinance No. 2009-18, authorizing the City Manager to grant exceptions to existing limitations on conversions of vacation and compensatory time
10. MISCELLANEOUS BUSINESS
11. ADJOURNMENT"

**APPROVAL OF MINUTES**

Councilman Bryan moved, Vice Mayor Weber seconded to approve the minutes of the regular meeting of February 26, 2009. A voice vote was taken. All members present voted yes. Motion carried.

BLUE ASH CITY COUNCIL

March 12, 2009

Page 2

**COMMUNICATIONS**

**Communications to Council**

There were no communications presented to Council.

**Reports From Outside Agencies**

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

**HEARINGS FROM CITIZENS**

No citizens wished to be heard.

**COMMITTEE REPORTS**

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

"The following offers a brief description of the topic included on the March 12 Council agenda:

**9.a.1. Ordinance No. 2009-17 - Authorizing adjustment of procedure associated with publication of passed legislation (first reading)**

After working with the Solicitor's Office, the Administration and Public Information Officer is requesting Council consideration of a change to a procedure involving the publication of legislation passed by Council.

Section 17.08 of the City's Charter requires that all passed legislation be published in summary form (i.e., by title) within ten days after passage "in a newspaper of general daily or weekly, paid or unpaid, circulation within the City." To carry out this requirement, for many years, we have traditionally published titles within the *Northeast Suburban Press* the Wednesday following the Council meeting in which the ordinances and resolutions were passed.

However, recent changes and mandates by the newspaper (administered by the *Cincinnati Enquirer*) now require that requests for publication be sent to the newspaper no later than 4:00PM on the Thursday before publication. Because our Council meetings are regularly scheduled for Thursday evenings, and because the Charter stipulates publication within 10 days after passage, we simply cannot continue this practice and remain in compliance with the Charter. In effect, this forces us to publish passed legislation in the much more expensive *Cincinnati Enquirer*. After analysis of recent bills and legal advertisements, the Public Information Officer estimates that the cost of advertising in the *Enquirer* would be seven times the cost of advertising in the local paper, or an estimated additional \$10,000 annually for the publication of these legal advertisements, assuming similar advertising needs as required in 2008.

After reviewing the Charter and working with the Solicitor's Office, the recommendation before Council is to change this procedure as is summarized below.

- Authorize the utilization of the City's website to carry out the Charter's "publication" requirements associated with Council's passed legislation. An excerpt from Section 17.08 of the Charter states the following:

Council may provide, by ordinance in lieu of the aforesaid publication in summary form, that all such ordinances or any particular said ordinance may be published in one of the following ways:

- (a) By general distribution, complete coverage not required, of an official Municipal Bulletin in the City, containing such official notices and general reports concerning municipal affairs...."

The Solicitor agrees that in this current day of technology, the City's website could be considered as an "official Municipal Bulletin" as outlined within the Charter given Council approval.

- We will make available to the public in the lobby area of the Municipal & Safety Center photocopies of passed legislation accessible 24 hours a day.

In addition to saving the additional advertising expense, the Administration believes that this change of procedure follows the spirit of the Charter in terms of providing timely information to the public of Council action. In fact, the posting of the legislation on the web provides much more information than stipulated in the Charter since we would publish the entire ordinance or resolution – not just the title of the legislation as required by the Charter. The availability of passed legislation at City Hall will accommodate those who may not have internet access. And, as is always the case, anyone requesting a copy of an ordinance or resolution can always call and make arrangements to receive such information.

BLUE ASH CITY COUNCIL

March 12, 2009

Page 3

As Council is aware, the procedure now includes posting of draft legislation generally the Wednesday before a Council meeting – linkable from the website’s calendar of events where city meetings are listed (in addition to the agenda). The Public Information Officer plans to work with the Solicitor’s office to tweak our current procedure – perhaps create a “Municipal Bulletin” section making accessible all passed legislation.

Thursday’s presentation of this legislation represents a first reading, with a second reading and formal vote scheduled for the next regular (non work session) meeting – April 9 – with Council concurrence. Please note that this situation is affecting only the legal ads for our passed legislation due to the deadline issue – not other legal advertising (such as bid openings, help wanted ads, etc.). Therefore, the City would not be terminating all of its business with the newspaper – just the business for which a reasonable alternative is not readily apparent.

Please direct questions regarding this ordinance to the Solicitor or to the Public Information Officer.

**9.a.2. Ordinance No. 2009-18 - Authorizing the City Manager to grant exceptions to existing limitations on conversions of vacation and compensatory time**

The recommendation was made by a member of the Administration to consider the possibility, given these difficult economic times, of allowing exceptions to the City’s existing limitations associated with the payout of an employee’s accrued vacation and compensatory time. Not only would this assist an employee in a time of need (for instance, should a spouse be laid off), but it also could benefit the City as such a disbursement could minimize future expense to the City of such payouts. The ordinance, if approved by Council, would allow the City Manager to develop guidelines upon which individual requests could be submitted, and would also take into consideration the existing collective bargaining unit contracts in place. Evaluation of each request would be made on its own merit, considering the overall benefit to the City as well as to the employee. The recommendation would be to allow these variations through the 2009 pay year.

Please direct questions regarding this ordinance to the City Manager or Treasurer.”

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

Councilman Bryan asked the Clerk to read Ordinance No. 2009-17 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-17

AUTHORIZING ADJUSTMENT OF PROCEDURE ASSOCIATED WITH PUBLICATION OF LEGISLATION PASSED BY CITY COUNCIL

It was explained that this ordinance represented the first reading, with the second scheduled for the next regular meeting (not of a work session format) on April 23.

Councilman Bryan asked the Clerk to read Ordinance No. 2009-18 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2009-18

AUTHORIZING THE CITY MANAGER TO GRANT EXCEPTIONS THROUGH THE REMAINDER OF THE 2009 PAY YEAR TO LIMITATIONS ON CONVERSIONS OF ACCRUED VACATION AND COMPENSATORY TIME AS OUTLINED WITHIN CHAPTER 133 OF THE BLUE ASH CODE OF ORDINANCES OR WITHIN COLLECTIVE BARGAINING AGREEMENTS; AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Vice Mayor Weber seconded to adopt Ordinance No. 2009-18. There being no discussion, the Clerk called the roll. Councilpersons Weber, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Five yeases. Ordinance No. 2009-18 passed.

**MISCELLANEOUS BUSINESS**

Public Works Director Mike Duncan commented that one of the projects that Blue Ash submitted to be considered within the region’s recipients for stimulus funds (Reed Hartman Highway rehabilitation project between Glendale-Milford and Cooper Roads) was selected by the OKI Executive Committee to be included as one of the 44 projects total (in the region) to receive funds. It is expected that approximately \$840,000 will be received for this project to be completed

BLUE ASH CITY COUNCIL

March 12, 2009

Page 4

later this year.

Clerk of Council Jamie Eifert announced that local Boy Scout Troop 674 is selling mulch as a fundraiser and encouraged anyone interested to let her know. Mulch can also be purchased for donation to the Wellness Community.

City Manager David Waltz updated Council regarding recent happenings relating to the hotel tax issue. Hamilton County was considering granting \$1.3 million per year for 25 to 30 years towards the Sharonville Convention Center, with this decision to also involve consolidation of the two area Convention & Visitor's Bureaus -- Greater Cincinnati Convention & Visitor's Bureau and the Northern Cincinnati Convention & Visitor's Bureau. He attended a meeting last evening at which time a "no" vote was cast. In addressing questions from Councilmembers Bryan and Stoller, Mr. Waltz explained that the residual funds would be applied 50% towards the debt of the Duke Energy Convention Center in downtown Cincinnati, with the fate of the other 50% now being discussed. A deadline of March 31<sup>st</sup> is quickly approaching, and if a decision is not made by then, the decision will be put on hold for a year which, in Mr. Waltz's opinion, could be advantageous for Blue Ash. In his opinion, that delay could allow Blue Ash's future conference/convention center to be considered as a potential recipient of such funds – hopefully a time closer to when Blue Ash would be able to move forward on this project. The Administration will continue to monitor this issue.

City Manager Waltz commented on the overall Budget and the Administration's contingency planning strategies. He reminded Council of the defensive strategy to delay purchase of capital equipment until after the first quarter when more is known about the levels of incoming tax revenues. The team plans to evaluate this in April or May to determine which capital projects will move forward later in the year.

Vice Mayor Weber commented favorably on Blue Ash's financial planning efforts. He mentioned that he is very confident in the City's ability to weather the current economic downturn, and attributes it to the Administration's and City's proactive financial and overall strategic planning. The City's ability to attract a solid business base better positions the City to handle downturns in the economy. Current reserves (including for capital projects) remain solid, and he complimented the Administration on their planning efforts which will allow Blue Ash to get through a difficult economic period – perhaps better than most other communities.

Councilman Bryan commented on the status of the current Council vacancy and mentioned that to date, the City has received applications from five citizens. The deadline for applications is Monday, March 16, and past discussion included the possibility of establishing two near future Executive Session meetings – the first to review applications to narrow down the pool to a reasonable number to interview (as many as approximately ten), and the second to conduct the interviews. Unless a large number of applications are received within the next few days, the suggestion is to interview all who have applied.

After brief discussion, Councilman Bryan moved, Councilwoman Stoller seconded to set Saturday, April 4, 2009, 8:30AM, as a special meeting (Executive Session only) to interview applicants for the vacant position. The Clerk called the roll. Councilpersons Stoller, Weber, Czerwonka, Bryan, and Mayor Buckman voted yes. Five yeses. Motion carried.

**ADJOURNMENT**

All items on the agenda having been acted upon, Councilman Bryan moved, Councilman Czerwonka seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 7:20 PM.

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Robert J. Buckman, Jr., Mayor

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Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY:

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Susan K. Bennett, Deputy Clerk of Council