

BLUE ASH CITY COUNCIL

April 8, 2010

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A regular meeting of the Council of the City of Blue Ash, Ohio, was held on April 8, 2010. Mayor Mark F. Weber called the meeting to order in Council Chambers at 7:00 PM.

OPENING CEREMONIES

Mayor Weber led those assembled in the Pledge of Allegiance.

ROLL CALL

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

ALSO PRESENT: Deputy Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Treasurer/Administrative Services Director James Pfeffer, 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, Councilman Adamec seconded to excuse City Manager David Waltz from the meeting. A voice vote was taken. All members voted yes. Motion carried.

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

ACCEPTANCE OF AGENDA

Councilman Bryan moved, Councilman Sumner 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 March 25, 2010
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. 2010-18, amending Ordinance No. 2010-1 regarding Duke Energy/utility payments
 - b. Parks & Recreation Committee, Robert J. Buckman, Jr., Chairperson
 1. Ordinance No. 2010-19, awarding bid for purchase of electric golf carts
10. MISCELLANEOUS BUSINESS
11. ADJOURNMENT"

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APPROVAL OF MINUTES

Councilman Sumner moved, Councilwoman Stoller seconded to approve the minutes of the regular meeting of March 25, 2010. A voice vote was taken. All members present voted yes. Motion carried.

COMMUNICATIONS

Communications to Council

There were no communications to Council.

Reports From Outside Agencies

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

HEARINGS FROM CITIZENS

Dr. Peter Nord of Kenridge Lake suggested that at this time of day, when the sun is shining brightly in the Council Chambers, that the window blinds be closed (which they subsequently were). Dr. Nord noted that the City's slogan is "Aspire, Achieve, Advance," and suggested that the City have a "director of inspiration." He encouraged Council to ponder as to where the City receives its inspiration so that it can truly "achieve and aspire to advance." He also suggested that the City work to draw greater inspiration from across the community as a whole.

Jeff Cappel, 9354 Hunter's Creek Drive, commented that he was present at a meeting several months ago and posed the question as to whether or not the City's health insurance plan for employees covers abortions. He since submitted a public records request and did receive the information. After close review of that information, he stated that he believes the City's policy does cover such services. As an employee of the federal government, he explained that no federal tax monies are allowed to pay for such expenses, except in the case of rape, incest, or if the life of the mother is in jeopardy. Councilman Sumner commented that he believes Mr. Cappel's interpretation is incorrect and noted that it is his understanding from the Administration that because our policy would consider such a service an elective procedure that it would not be covered. After brief discussion, it was suggested that Mr. Cappel direct further questions to the City Manager.

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 April 8 Council agenda:

9.a.1. Ordinance No. 2010-18 - Amending Ordinance No. 2010-1 regarding Duke Energy/utility payments

Electric Choice began in Ohio in 2001, and since that time electric customers have been able to choose the company that supplies (generates) their electricity. The economic downturn has affected electricity demand resulting in reduced power prices and two opportunities for savings.

The City may contract with an energy supplier for City facilities:

1. Fixed price electricity, based upon cents per kWh, a product marketed by both Good Energy and Duke Energy Retail Sales (DERS) or
2. Contract with DERS, a non-PUCO regulated affiliate of Duke Energy Corporation, for a guaranteed savings of 18% off existing generation and transmission pricing.

Both opportunities require commitments through December 31, 2011. Fixed pricing allows for customers like the City to more accurately budget for electricity expenses and would provide a greater savings if the cost of electricity increases. However, if the price of energy were to dip below the contracted rate, the customer would end up paying more than those without contracts. Additionally, contracting for fixed pricing requires a bidding process which would entail time, (resulting in less savings) and commonly, the cost of a third party broker such as Good Energy.

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DERS's guaranteed savings offer to the City is simply a reduction by 18% of the monthly generation and transmission price. Savings will fluctuate as does the price. Unlike with fixed pricing, this opportunity would continue to provide savings even if the cost of electricity decreases. Furthermore, acceptance of this opportunity requires only Council's approval of the revised utility ordinance.

Staff recommends acceptance of DERS' guaranteed discount offer as it can be implemented quickly and is less risky than fixed pricing. Based on today's energy pricing and last year's usage, approximate total savings is \$140,000 with only \$2,000 required for equipment upgrades. Further evaluation of fixed pricing opportunities will occur near the end of the current program (Dec. 2011). Based on this recommendation, Ordinance No. 2010-18 (drafted with assistance from Dinsmore) amends Section I of previously adopted Ordinance No. 2010-1 to allow the City's participation in this program through 2011.

Please direct questions regarding this ordinance to the Assistant to the City Manager, Kelly Osler at 745-8503 or kosler@blueash.com.

9.b.1. Ordinance No. 2010-19 - Awarding bid for purchase of electric golf carts

Bids were recently solicited for the purchase of 20 electric golf carts, with the sole bid received (from E-Z-Go Textron) opened on Thursday, April 1.

Ordinance No. 2010-19 recommends that E-Z-Go be awarded the bid for the purchase of 20 new electric golf carts for a net amount, including trade-ins, of \$51,900. The breakdown of their bid is below:

20 new 2010 electric carts @ \$3,635 each	\$72,700
Less: credit/trade-in of 16 Year 2004 cart @ \$1,100 each.....	(\$17,600)
Less credit/trade-in of 4 Year 2001 carts @ \$800 each	<u>(\$3,200)</u>
Net Total.....	\$51,900

The most recent purchase of new golf carts took place in early 2007. The price bid for the 2010 carts is very competitive – in fact, it is over \$300 less for each of the 2010 carts compared to what was paid in 2007. The Golf Pro and Recreation Administration recommend moving forward with the purchase of these replacement carts this year as the purchase of new carts for the Course has been delayed at least one year so far, and issues with several of the older carts and inconveniences to golfers started to occur late in last year's golf season.

Questions regarding this ordinance should be directed to the Parks & Recreation Director."

Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Ordinance No. 2010-18 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-18

AMENDING SECTION I OF ORDINANCE NO. 2010-1
REGARDING PAYMENT ASSOCIATED WITH PUBLIC
UTILITY SERVICES TO INCORPORATE THE CITY'S DESIRE
TO PARTICIPATE IN THE DUKE ENERGY RETAIL SALES
GUARANTEED SAVINGS OFFER PROGRAM ASSOCIATED
WITH ELECTRICITY; 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 Stoller, Sumner, Buckman, Czerwonka, Adamec, Bryan, and Mayor Weber voted yes. Seven yeses. Motion carried.

Councilman Bryan commented that locking in advantageous rates such as what is proposed by this ordinance will save the City approximately \$140,000 (at an implementation cost of about \$2,000). He commented that many businesses are signing up for similar programs. In addressing further questions from Council, Assistant to the City Manager Kelly Osler noted that the City looked at two options – one where electricity is offered at a fixed price, based

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upon cents per kilowatt hour (such as is offered by a company such as Good Energy, which several Council members may be familiar with from past presentations attended). The second type of option investigated is an arrangement such as is recommended in this ordinance where the company offers a flat guaranteed savings – in this case, 18% – off the existing generation and transmission pricing. The Administration recommends this type of savings program to be the better choice for the City since it is less risky and can be implemented more efficiently. Though the fixed pricing alternative would allow the City to more accurately budget for electricity expenses and would provide a greater savings if the cost of electricity increases, if the price of energy were to drop below the contracted rate, the City would end up paying more than those customers without contracts. The recommended program offers a flat reduction of 18% off the monthly generation and transmission price, and savings will fluctuate along with the price of electricity. Unlike the fixed option, the opportunity would continue to provide savings, even if the cost of electricity decreases. The Administration does plan to evaluate available cost-savings options near the end of 2011, when the contractual period ends (assuming approval of this ordinance by Council).

In addressing a question from Councilwoman Stoller, Mrs. Osler commented that she believes residents and other businesses are eligible for a similar program; however, it is likely the specific terms of those offers may vary. Councilman Bryan added that at his place of employment, The Wellness Community, they recently received information offering a 15% reduction. It is his understanding that all businesses are eligible for participation, and encouraged Councilwoman Stoller to contact Duke regarding what may be available to her Blue Ash based business.

There being no further discussion, Councilman Bryan moved, Councilman Adamec seconded to adopt Ordinance No. 2010-18. The Clerk called the roll. Councilpersons Sumner, Buckman, Czerwonka, Adamec, Bryan, Stoller, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-18 passed.

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

Councilman Buckman asked the Clerk to read Ordinance No. 2010-19 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2010-19

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF ELECTRIC GOLF CARTS FOR THE BLUE ASH GOLF COURSE FROM E-Z-GO TEXTRON FOR A NET AMOUNT (INCLUDING TRADE-IN VALUES) NOT TO EXCEED \$51,900; AND DECLARING AN EMERGENCY

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

Councilman Buckman moved, Vice Mayor Czerwonka seconded to adopt Ordinance No. 2010-19. Councilman Buckman noted that this ordinance authorizes purchase of 20 golf carts at a net cost of \$51,900. He commented that the Course has been very satisfied with the carts at the Course. In addressing a question from Vice Mayor Czerwonka, Parks & Recreation Director Chuck Funk noted that the normal schedule for cart replacement has been to replace 20 carts one year, 20 carts the next year, and then to skip a year. Purchase of carts has been delayed as new carts were not purchased in either 2008 or 2009. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Adamec, Bryan, Stoller, Sumner, Buckman, and Mayor Weber voted yes. Seven yeases. Ordinance No. 2010-19 passed.

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MISCELLANEOUS BUSINESS

Mrs. Osler mentioned to Council a home vegetable gardening class being offered next Wednesday evening at the North Fire Station. The class, offered in conjunction with the City of Montgomery, costs \$5. In addressing a question from Councilman Adamec, Mrs. Osler confirmed that the community garden project is being continued this year at the Hunt House property, with only a couple of plots still available. Planting will begin May 15, and will continue throughout the summer.

Parks & Recreation Director Chuck Funk thanked Council for their participation in the open house held earlier today at the Recreation Center. The subject of this open house was to provide updates regarding the golf course clubhouse project as well as streetscaping/lighting improvements planned for the downtown area. He estimated that approximate 30-35 citizens participated. Mr. Funk intends to provide Council with an update regarding the golf course clubhouse project at a May Council meeting, and to possibly seek approval for a final design sometime this summer.

Public Works Director Mike Duncan noted that City Manager David Waltz is currently enjoying a well-deserved family vacation in the Caribbean, and will return soon. He noted that the week at City Hall has been relatively quiet.

Mr. Duncan noted that the City received site plans for the future Target development this week, including roadway work plans associated with its development. In addressing questions from Council, Mr. Duncan explained that he believes their plan is to start construction this summer, though the City has not yet received building permit applications. Road work planned will include widening of Plainfield Road (mostly on the Target/west side of Plainfield) ranging from the Ronald Reagan ramp to Penelope Lane. Examples of additional improvements planned include lane additions, intersection improvements (including signalization), and relocation of a bus stop. This work will also include resurfacing of the road – essentially the project will result in a new road from the south side of the bridge to the City's southern corporate limit. Additional landscaping is also planned in the area, including within a median area on Plainfield to be constructed, and perhaps placement of a small decorative stone wall.

Councilman Sumner commented that it was his understanding that construction was intended to begin in the summer of 2011, not this year. He explained that a request relating to this project went to the Planning Commission this past Thursday. The applicant requested that the City's sequencing requirement relating to the outlot be revised to allow concurrent development, rather than requiring that Target wait to develop the outlot until after the first holiday season after opening a store. Councilman Sumner explained that after much discussion at Planning Commission, members approved the change as a minor change to the plan as it was their belief that the requested change relating to the outlot was not considered significant (or "major"). If the change would have been considered a "major" change, then the applicant would have been required to return to Council. Councilman Sumner encouraged fellow Council members to share their opinions with him and the City Manager regarding this issue.

Mr. Duncan noted that the bid for the downtown streetscaping traffic and signal improvements is scheduled for advertisement beginning next week, and a bid award recommendation is anticipated to be presented to Council at the second meeting in May. He reminded Council that this project is being partially funded via a \$460,000 federal CMAQ (congestion mitigation/air quality) grant awarded to Blue Ash through OKI.

Councilman Sumner noted that he attended the open house this afternoon, and had interesting discussions with the project architects regarding the potential of seeking LEED certification for a new clubhouse building. He mentioned that previous Council discussion regarding this issue concluded that the cost of the City seeking LEED certification could be as much as \$150,000. His conversations with the architects tonight lead him to believe that that the \$150,000 cost figure may be overstated. He encouraged the Administration to look into this further to explore the true cost and suggested that the City serve a leadership role towards energy conservation. Mr. Funk mentioned that the project is planning to incorporate

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several facets that may likely allow some level of LEED certification. After further brief discussion, Mr. Funk agreed that further investigation of the potential of seeking full LEED certification (at some level) for the clubhouse project will be completed, with results to be reported back to Council when fully determined.

Councilman Bryan noted that he recently attended his first meeting as a Board Member of OKI, along with Public Works Director Mike Duncan. He noted it interesting that, via the OKI web site, Census form return participation rates are being tracked. As of today, Hamilton County has a 69% rate of return of completed Census forms, and the City of Cincinnati has a rate of return of about 49%. Though Blue Ash is included within a three-Census-Tract area, this area's rate of return is 77% -- very near the leading rate across the country.

Mayor Weber reminded all of the town hall meeting scheduled for next Thursday, April 15, at 6:30PM here in Council Chambers, with the subject being street maintenance and street safety issues. He suggested that fellow Council members encourage residents in their wards with such concerns to attend the meeting to get their questions answered.

ADJOURNMENT

All items on the agenda having been acted upon, Vice Mayor Czerwonka moved, Councilman Sumner seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 7:30PM.

Mark F. Weber, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES WRITTEN BY (using audio recording of the meeting):

Susan K. Bennett, Deputy Clerk of Council