

BLUE ASH CITY COUNCIL

July 10, 2014

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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 July 10, 2014. 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, Assistant City Manager Kelly Harrington, Treasurer Sherry Poppe, Parks & Recreation Director Chuck Funk, Public Works Director Gordon Perry, Fire Chief Rick Brown, Police Chief Paul Hartinger, Administrative Assistant Karla Plank, Assistant Fire Chief Chris Theders, Fire Fighter Don Morrison, Police Officers Chris Zielinski and Todd Stewart, Recreation/Sports Superintendent Kathy Swensen, Recreation Supervisor Brian Kruse, Parks & Rec Admin. Assistant Susan Trammel, Recreation Center Employees Branden Taylor and Ashley Taylor, Public Relations Coordinator Emily Schaffer, NESL Marika Lee, and interested citizens.

4. PUBLIC HEARING – 7:05 PM – Consideration of the 2015 Tax Budget (Resolution No. 2014-9 read in full)

City Manager David Waltz explained the 2015 Tax Budget is a preliminary budget process done every mid-year as part of a Hamilton County requirement related to the local government fund. It also provides Administration the opportunity to view it as a mid-year evaluation on how the City is doing. Income Tax Revenues in 2014 have been flat. The declining state shared revenues have impacted operating revenue. Administration projected flat operating expenditures for 2015 and made sure that it balances. The City is where it has been in the last few years which is conservative, stable and flat with no real rapid growth.

Mayor Czerwonka closed the public hearing considering the 2015 Tax Budget at 7:05 p.m.

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

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

6. ACCEPTANCE OF REVISED AGENDA

Councilman Bryan moved, Councilwoman Stoller 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 – Consideration of the 2015 Tax Budget (Resolution No. 2014-9)
5. APPOINTMENT OF PERSON(S) TO READ ORDINANCES IN FULL IN REAR OF COUNCIL CHAMBERS
6. ACCEPTANCE OF REVISED AGENDA
7. APPROVAL OF MINUTES

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a. *Regular Meeting of June 12, 2014*

8. **COMMUNICATIONS**

- a. *Communications to Council – Clerk of Council Jamie K. Eifert*
- b. *Introduction – K-9 Cash – Police Department*
- c. *Flag Dedication – Spc. Donald Scott Morrison*
- d. *Reports From Outside Agencies*
- e. *Mayor’s Report – June 2014*
- f. *Financial Report – Motion to accept the report for June 2014*

9. **HEARINGS FROM CITIZENS**

10. **COMMITTEE REPORTS**

- a. *Finance & Administration Committee, Rick Bryan, Chairperson*
 - a. *Resolution No. 2014-9, adopting the 2015 Tax Budget*
 - b. *Ordinance No. 2014-54, authorizing Ohio Public Employees Retirement System contributions for City Manager*
 - c. *Ordinance No. 2014-55, amending Ordinance No. 2013-42 regarding contract with HC Board of Health*
- b. *Public Works Committee, Marc Sirkin, Chairperson*
 - a. *Resolution No. 2014-10, authorizing ODOT right-of-way access to install systematic sign upgrades*
 - b. *Ordinance No. 2014-56, authorizing agreement with Hamilton County regarding the improvement of Creek Road*
 - c. *Ordinance No. 2014-57, amending Ordinance No. 2013-60 for Group E 1-11 Light Fixtures & Controls for Summit Park*
- c. *Planning & Zoning Committee, James W. Sumner, Chairperson*
 - 1. *Motion setting a public hearing for 7:05 PM, Thursday, August 14, 2014 to consider a Zoning Map Amendment to rezone approximately 21.7411 acres at 10538 & 10592 Plainfield Road to R-3*
 - 2. *Motion setting a public hearing for 7:10PM, Thursday, August 14, 2014 to consider a planned development of a new filling station and retail convenience store at 4116 Glendale-Milford Road*

11. **MISCELLANEOUS BUSINESS**

12. **ADJOURNMENT**

7. **APPROVAL OF MINUTES**

Councilman Sumner moved, Councilman Sirkin seconded to approve the minutes of the regular meeting of June 12, 2014. 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 C2 Liquor License (Permit No. 84189940640) to Speedway LLC, 9215 Plainfield Road. The C2 permit allows selling of wine in sealed containers, carry-out only. The Police Department has reviewed this request and had no objections. There were no objections expressed by Council.

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b. Introduction of K-9 Cash – Police Department

Police Chief Paul Hartinger introduced the Police Department's newest employee, K-9 Cash, who is a 17 month old German Shepherd, has been working with the City since May. Cash was imported from the Netherlands to Shallow Creek Kennels in Sharpsville, Pennsylvania. Police Officer Todd Stewart went to Pennsylvania and received six weeks training with Cash. Cash will exclusively be handled by Officer Stewart and lives with him and his family. The City's current K-9 Police Officer Chris Zielinski recently lost K-9 Nico but will serve as a mentor to Officer Stewart and Cash. Cash will be the ninth K-9 with the Police Department. Cash is a great tool for law enforcement and performs tasks such as patrol duty, trained in narcotic investigations, searches for lost people or suspects that run from the scene, etc. Cash performs demonstrations within the community for organizations, children's groups, and serves as a positive public relations tool. Cash is a great addition to the Police Department and is ready to begin his duties.

Officer Stewart thanked Council for the opportunity and explained that Cash goes through obedience training every day. Cash provided a brief demonstration of some of his abilities.

c. Flag Dedication – Spc. Donald Scott Morrison

Mayor Czerwonka introduced a special flag dedication for Army Spc. Donald "Scott" Morrison, a former Recreation Center Employee, from a Blue Ash resident, Private First Class Kevin Hess. Army Specialist Donald "Scott" Morrison, better known to those in the City as "Scottie", served in the Army for 2 years. On September 26, 2010, he was killed when his convoy was struck by an IED in Afghanistan. Scottie was a lifelong Blue Ash resident and Sycamore High School graduate. He worked for the City at the Recreation Center prior to enlisting in the military in October 2008 as a combat engineer. Private First Class Kevin Hess, a Blue Ash resident and fellow Sycamore High School graduate of Scottie, flew a flag in Konduz, Afghanistan in Scottie's honor. He has given the flag to the City to display in the Recreation Center lobby. The flag's certificate was signed by both the Konduz Platoon Sergeant and Platoon Leader. The flag was flown on a base in Konduz, and P.F.C. Hess also carried the flag in his pocket during a combat mission. P.F.C. Hess is from the 75th Ranger Regiment - U.S. Special Operations Command out of Fort Benning, Georgia. He served 3 different rotations overseas for a total of 14 months, and served in the Army for a total of 3 years and 9 months. He is now home and will not have to return overseas. The City is not only grateful for P.F.C. Hess' service and dedication to our country, but also very appreciative for the opportunity to remember another dedicated Blue Ash resident in a place where he spent a lot of his time and made many friends. Memorials and dedications like this in public places around the City, such as the stone tablet at the Veterans Memorial and the newest statue dedicated to the War on Terror, help us remember those who have served our country, tell the story of those to others, and ensure that they are never forgotten.

Mayor Czerwonka invited Scottie's father and Blue Ash Firefighter Don Morrison along with Parks & Recreation Supervisor Brian Kruse to the front of Council Chambers to accept a framed special dedicated flag and certificate in memory of Scottie Morrison.

Mr. Kruse expressed his honor in knowing Scottie Morrison and explained the Recreation Center's Team of employees are a very tight family which Scottie was a big part of. The Rec Center Team feels like Scottie is watching over them as their forever soldier. He explained that late at night, the elevator mysteriously comes from the basement and the doors open to the front desk and no one is in it. The employees believe it is Scottie roaming the building and watching over them. Mr. Kruse looks forward to Scottie coming up the elevator and seeing the framed flag and certificate that will be displayed in the lobby. The staff is blessed to have known Scottie. Mr. Kruse expressed his appreciation to Kevin Hess for his service and thoughtful remembrance of Scottie as well as any active retired military. As civilians, one will never know the experiences or sacrifices of our military but are able to sit tonight because of their bravery.

d. Reports From Outside Agencies

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

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e. Mayor's Report – June 2014

TOTAL RECEIPTS:.....	\$14,845.00
DISBURSEMENTS:	
To Blue Ash	
Fines/costs/Expungements/forfeitures/NSF check charges, vendor permits).....	\$9,025.00
To the State of OH:	\$5,528.50
Victims of Crime	\$855.00
General Rev Fund.....	now included in 2b on SC form
Expungements.....	\$0.00
Indigent Defense Support fund	\$2,850.00
Drug Law Enforcement Fund	\$283.50
Justice Program Service Fund	
Seat Belts	\$1,540.00
Indigent Driver's Alcohol Trtm't Fund	\$121.50
Refund of overpaid fines	\$170.00
Bond Money applied	\$0
Bond Money returned	\$0
Restitution payment	\$0
TOTAL DISBURSEMENTS.....	\$14,845.00
BALANCE IN BONDS:.....	\$400.00
Mayor's Court traffic citations.....	97
Mayor's Court criminal citations	24
Total Mayor's Court cases	121
Blue Ash rev. from Mayor's Ct. Cases:.....	\$9,025.00

f. Financial Report – June 2014

Councilman Bryan moved, Councilwoman Stoller seconded to accept the Financial Report for June 2014 as submitted. A voice vote was taken. All members present voted yes. Motion carried.

CITY OF BLUE ASH FINANCIAL POSITION STATEMENT- MONTH ENDING June 30, 2014

MONTH TO DATE	2013	2014
START OF MONTH FUND BALANCE:	\$42,792,983.05	\$52,375,555.15
Revenues:		
Earnings Tax Collections:	\$2,531,884.81	\$2,877,980.09
Debt Financing (long term)	-	-
Debt Financing (short term)	-	-
Other Revenue Received:	806,179.62	1,440,348.38
= Total Monthly Receipts	\$3,338,064.43	\$4,318,328.47
Expenditures:		
Long term debt retirement	\$295,315.86	\$295,315.86
Short term debt refinancing	-	-
Other Expenditures:	3,238,776.03	3,906,402.31
= Total Monthly Expenditures:	(3,534,091.89)	(4,201,718.17)
END OF MONTH FUND BALANCE:	\$42,596,955.59	\$52,492,165.45
YEAR TO DATE	2013	2014
START OF YEAR FUND BALANCE:	37,088,085.16	47,822,201.81
Revenues:		
Earnings Tax Collections:	18,347,967.67	18,599,306.54
Debt Financing (long term)	-	-
Debt Financing (short term)	-	-
Other Revenue Received:	6,533,135.03	7,803,438.03
= Total YTD Receipts	\$24,881,102.70	\$26,402,744.57

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Expenditures:

Long term debt retirement	1,005,840.72		1,534,457.60
Short term debt refinancing	-		-
Other Expenditures:	<u>18,366,391.55</u>		<u>20,198,323.33</u>
= Total YTD Expenditures:		<u>(19,372,232.27)</u>	<u>(21,732,780.93)</u>
YEAR-TO-DATE FUND BALANCE:		\$42,596,955.59	\$52,492,165.45

100% of the fund balance was invested as of 6/30/14. Interest paid to date on matured investments: \$4,272.46. Receipt and expenditure figures do not include interfund transfers or advances. All debt includes principal and interest.

BLUE ASH INCOME TAX DIV. INCOME TAX RECEIPT SUMMARY - MONTH ENDING June 30, 2014

MONTH-TO-DATE STATUS	2013		2014
Business Net Profit	314,924.97		673,308.32
Resident Net Profit	53,090.88		53,593.47
Non-Resident Net Profit	29,336.69		22,351.08
Subcontractor Net Profit	<u>4,679.50</u>		<u>6,930.47</u>
Net Profit Total		402,032.04	756,183.34
Withholding	2,103,310.29		2,095,202.29
Subcontractor Withholding	<u>26,542.48</u>		<u>26,594.46</u>
Withholding Total		<u>\$2,129,852.77</u>	<u>\$2,121,796.75</u>
Monthly Collection Totals		<u>\$2,531,884.81</u>	<u>\$2,877,980.09</u> 13.67%

YEAR TO DATE STATUS

Business Net Profit	3,156,230.42		3,512,240.84
Resident Net Profit	702,893.17		719,728.53
Non-Resident Net Profit	230,747.62		252,536.90
Subcontractor Net Profit	<u>57,044.58</u>		<u>74,875.50</u>
Net Profit Total		\$4,146,915.79	\$4,559,381.77
Withholding	13,927,795.68		13,765,192.85
Subcontractor Withholding	273,256.20		274,731.97
Withholding Total		14,201,051.88	14,039,924.82
YTD Collection Totals		<u>\$18,347,967.67</u>	<u>\$18,599,306.59</u> 1.37%
YTD Refund Totals		<u>\$932,853.78</u>	<u>\$748,638.84</u>

9. HEARINGS FROM CITIZENS

Anne Scranton, 5141 Kenridge Drive and Emilie Duning, 5713 Brasher Avenue, stated that there were a lot of problems with parking on Kenridge Drive, Brasher Avenue, and Meyers Lane during the Red, White and Blue Ash event. Cars were parked on both sides of the street which provided a narrow one lane in and out of the neighborhood. In the event of an emergency, a fire truck or an emergency paramedic vehicle would not have been able to get through. In past years, barrels were placed on the street along with signs which were not present this year. They believe that with more events taking place at Summit Park, there needs to be better parking enforcement.

Public Works Director Gordon Perry explained that he was made aware of the situation after the event and it was investigated. The barrels and signs were initially placed in the neighborhoods but were later removed by pedestrians. He stated that it is important to the City that the residents get the proper coverage for safety purposes. His department will do a better job at making sure that streets remain open during the events by placing more signage in the areas.

Mike Duncan, 9204 Bluewing Terrace, thanked the Service Department for removing the vast piles of honeysuckle brush that was cut back from his property. The Service Department came by to remove it and was cleaned up as if it was never there. He commended the Service Department for their hard work and outstanding job.

Hearings from Citizens was declared closed at 7:25 PM.

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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 July 10th Council agenda.

4. Public Hearing for the Consideration of the 2015 Tax Budget (Resolution No. 2014-9)

As is customary this time of year, a public hearing for the 2015 Tax Budget will be held July 10, 2014 at 7:05 PM. It is necessary to hold a public hearing and to thereafter present Council with a resolution for the Budget's acceptance, as has been the practice in the past. A copy of the Tax Budget is available for review by the public.

Please direct any questions regarding this motion or the tax budget process to the Treasurer.

10.a.1. Resolution No. 2014-9 – adopting the 2015 Tax Budget

The City of Blue Ash, as well as other governmental entities throughout Ohio, is required on an annual basis to prepare a tax budget, to present the budget in a public hearing, and to secure City Council's acceptance of the tax budget. Under the law, the accepted tax budget must be received by the county auditor's office no later than July 20th of a given year, or the entity's portion of local government funding may be placed at risk. In accordance with the required notification, a copy of the Tax Budget has also been available for public review in advance of the public hearing.

Although the tax budget process does not compare in detail or complexity to the fall proposed budget, it does provide a "first glance" at the upcoming year, helps structure various funds, and identifies the major projects that are anticipated in the upcoming year. The format of the Tax Budget is standard, and reflects two years of actual or completed financial operations, an estimate of the current year, as well as the prediction for next year.

The information presented for 2014 is based upon the existing budget for this year.

Given the flat income tax collections seen so far this year, estimates for 2015 are kept at the 2014 budget levels. Local government fund revenue estimates are decreased slightly from the 2014 levels; however, the Tax Budget reflects the complete phase out of the estate tax revenue. Although income tax collections represent the majority of our General Fund operating revenues, it is important that we continue to monitor the other General Fund revenue sources as they continue to level off or decrease. Cumulatively, declining state shared revenues alone (including local government funds and estate tax) have negatively impacted other operating revenue by \$1.5M between 2012 and the 2015 tax budget estimates

Operating expenditures are essentially in-line with 2014 levels with the exception of an estimated 2% increase in salaries. A total of \$2.5M is provided for capital and construction related items, of which, \$1.1M is allocated towards our annual paving and sidewalk programs and \$1.3M for customary equipment purchased on an annual basis throughout City departments. Funding for economic development opportunities is consistent with past levels.

In June, Council authorized the advance funding for Phase 2 of the Summit Park project with the understanding that this advance would be "repaid" with debt proceeds expected in the fall. Therefore, the 2015 Tax Budget does not include any additional funding for the Summit Park project.

Please direct any questions regarding this resolution to the Treasurer or City Manager.

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10.a.2. Ordinance No. 2014-54 – approving Ohio Public Retirement System Contribution for City Manager

Ordinance No. 2014-54 addresses pension benefits for the City Manager. The City is permitted to pick-up portions, or all, of the statutorily required employee. This ordinance sets a schedule to increase the pick-up amounts over the next five years until the City picks-up all of the required 10% employee contribution.

Please direct any questions to Treasurer/Administrative Services Director.

10.a.3 Ordinance No. 2014-55 amending Ordinance No. 2013-42 regarding contract with HC Board of Health

On August 8, 2013, Council approved Ordinance No. 2013-42 authorizing the City Manager to renew a multi-year contractual agreement with the Health District Advisory Council of Hamilton County, Ohio, in order to provide for public health services.

The City of Blue Ash is one of twelve contracting cities that work through the Board of Health in addition to all villages and townships. The City of Blue Ash is annually assessed based upon a formula that takes into consideration the overall budget of the district and property valuation of each jurisdiction. The Hamilton County Budget Commission approved an increase in the 2015 budget to increase the annual assessment for the City of Blue Ash.

The City of Blue Ash has been satisfied with the services offered by the Hamilton County Board of Health. The City is required by law to provide public health services, and the Hamilton County Board of Health enables the most cost-effective means as of this date for providing these services and satisfying the State of Ohio requirements.

Please direct questions regarding this ordinance to Kelly Harrington, Assistant City Manager.

10.b.1. Resolution No. 2014-10 – authorizing ODOT right-of-way usage to install systematic sign upgrades

Resolution No. 2014-10 authorizes the Ohio Department of Transportation (ODOT) with the necessary consent for a systematic sign upgrade project on various routes and portions of these routes are within the City of Blue Ash. Consent is necessary to provide the Director of Transportation with all right-of-way usage required for the project in accordance with current State and Federal regulations. The State of Ohio is responsible for 100% of the project costs.

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

10.b.1. Ordinance No. 2014-56 – authorizing agreement with Hamilton County regarding the improvement to Creek Road

The Municipal Road Fund (MRF) Program is administered by the Hamilton County Engineer to assist County jurisdictions with various types of road work throughout Hamilton County. The MRF Program is funded from the sale of license plates within the county. Jurisdictions submit projects for consideration and the County Engineer makes recommendations to the Hamilton County Board of Commissioners for consideration and approval of various projects.

The City of Blue Ash requested MRF funding to assist with the improvement of Creek Road. This work will include milling and repaving Creek Road from Reed Hartman Highway to the west corporation limit. This work will be completed during the 2014 Creek Road Sidewalk and Resurfacing Project. The City of Blue Ash requested \$100,000 in MRF funds; all of which has been approved. The Agreement with Hamilton County authorizes the County to provide the funds when the City is ready to start the project.

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

10.b.2. Ordinance No. 2014-57 – amending Ordinance No. 2013-60 for Group E 1-11 Light Fixtures & Controls for Summit Park

The basis for the following change order addressed in Ordinance No. 2014-57 is directly related to the Phase 1 construction of the Summit Park Project, Group E 1-11 Light Fixtures

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& Controls. 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.

Ordinance No. 2014-57 authorizes to include an additional scope of work to the existing contract to include Item 4 and Item 5 for Group E 1-11 Bid Tab for the purchase of control components to the lighting. The F.D. Lawrence Electric Co. was the successful bidder for the Phase 1 construction of the Summit Park Projects and the City has been pleased with the outcome of the project.

In order to maintain continuity with the existing lighting work; and with The F.D. Lawrence Electric Co. still being on site, it would be in the best interest of the project to add this scope to the existing contract via change order.

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

a. Finance & Administration Committee, Rick Bryan, Chairperson

Councilman Bryan asked the Clerk to read Resolution No. 2014-9 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2014-9

A RESOLUTION ADOPTING A 2015 TAX BUDGET

Councilman Bryan moved, Councilman Sirkin seconded to adopt Resolution No. 2014-9.

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. 2014-9 passed.

Councilman Bryan asked the Clerk to read Ordinance No. 2014-54 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2014-54

ORDINANCE ALLOWING THE CITY OF BLUE ASH TO PICK-UP PORTIONS OF THE STATUTORILY REQUIRED CONTRIBUTION TO THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR THE CITY MANAGER OF THE CITY OF BLUE ASH PURSUANT TO IRC SECTION 414(h)(2); 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. 2014-54. 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. 2014-54 passed.

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Councilman Bryan asked the Clerk to read Ordinance No. 2014-55 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2014-55

AMENDING ORDINANCE NO. 2013-42 TO REVISE
EXPENDITURE LIMITS WITH THE DISTRICT ADVISORY
COUNCIL OF THE HAMILTON COUNTY, OHIO, GENERAL
HEALTH DISTRICT FOR PUBLIC HEALTH SERVICES; 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 Bryan, Sirkin, Stoller, Sumner, Buckman, Adamec, and Mayor Czerwonka voted yes. Seven yeases. Motion carried.

Councilman Bryan moved, Councilman Sumner seconded to adopt Ordinance No. 2014-55.

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. 2014-55 passed.

b. Public Works Committee, Marc Sirkin, Chairperson

Councilman Sirkin asked the Clerk to read Resolution No. 2014-10 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2014-10

AUTHORIZING PRELIMINARY CONSENT LEGISLATION
WITH THE OHIO DEPARTMENT OF TRANSPORTION
(ODOT) FOR THE PROJECT FOR SYSTEMATIC SIGN
UPGRADE, PID #87029

Councilman Bryan moved, Councilman Buckman seconded to adopt Resolution No. 2014-10.

There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Buckman, Adamec, Bryan, Sirkin, and Mayor Czerwonka voted yes. Seven yeases. Resolution No. 2014-10 passed.

Councilman Sirkin asked the Clerk to read Ordinance No. 2014-56 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2014-56

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN
THE CITY OF BLUE ASH AND THE HAMILTON COUNTY
BOARD OF COUNTY COMMISSIONERS RELATIVE TO THE
IMPROVEMENT OF CREEK ROAD FROM REED HARTMAN
HIGHWAY TO WEST CORP. LIMIT; 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 Sumner, Buckman, Adamec, Bryan, Sirkin, Stoller, and Mayor Czerwonka voted yes. Seven yeases. Motion carried.

Councilman Sirkin moved, Councilwoman Stoller seconded to adopt Ordinance No. 2014-56.

There being no discussion, the Clerk called the roll. Councilpersons Buckman, Adamec, Bryan, Sirkin, Stoller, Sumner, and Mayor Czerwonka voted yes. Seven yeases. Ordinance No. 2014-56 passed.

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Councilman Sirkin asked the Clerk to read Ordinance No. 2014-57 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2014-57

AMENDING ORDINANCE NO. 2013-60 REGARDING A
CONTRACT FOR GROUP E 1-11 LIGHT FIXTURES &
CONTROLS ASSOCIATED WITH PHASE 1 OF THE SUMMIT
PARK PROJECT; AND DECLARING AN EMERGENCY

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

Councilman Sirkin moved, Councilwoman Stoller seconded to adopt Ordinance No. 2014-57.

There being no discussion, the Clerk called the roll. Councilpersons Bryan, Sirkin, Stoller, Sumner, Buckman, Adamec, and Mayor Czerwonka voted yes. Seven yeases. Ordinance No. 2014-57 passed.

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

Councilman Sumner moved, Councilman Bryan seconded setting a public hearing for 7:05 PM, Thursday, August 14, 2014, to consider a Zoning Map Amendment to rezone approximately 21.7411 acres at 10538 & 10592 Plainfield Road to R-3. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Sumner moved, Councilman Sirkin seconded setting a public hearing for 7:10 PM, Thursday, August 14, 2014, to consider a planned development of a new filling station and retail convenience store at 4116 Glendale-Milford Road. A voice vote was taken. All members present voted yes. Motion carried.

11. MISCELLANEOUS BUSINESS

Parks & Recreation Director Chuck Funk thanked all the departments and staff for all their help in making Red, White and Blue Ash such a success. There was approximately 120,000 people in attendance.

City Solicitor Bryan Pacheco informed Council of a Summary Judgment granted in the City's favor regarding Ingrid Anderson, et al. vs. City of Blue Ash. Unless Ms. Anderson appeals the decision, the case regarding the miniature horse is dismissed.

In further addressing City Codes issues from the June 12th Work Session, Councilwoman Stoller requested clarification of Section 353.08(a) wherein *a junk motor vehicle, junk motor vehicle parts, or motor vehicle in an inoperative condition are kept fully enclosed within a garage or other suitable permanent structure*. In addressing Councilwoman Stoller's concern, Assistant City Manager Kelly Harrington confirmed that the Code is interpreted to ensure that the structure had to be completely closed and no garage doors are to remain open.

In Section 353.01, Councilwoman Stoller wanted to ensure that the Code properly covered junk vehicles that have been sitting in a driveway for many years but may not necessarily be missing parts.

Ms. Harrington indicated that the Code makes a distinction between aesthetics and material defects that would prevent a car from being able to operate.

Councilwoman Stoller addressed City Code 521.14(b)(4) *be free from decorative material that is weathered or in disrepair*. She questioned the word "weathered" in that some decorative materials are supposed to have the rusted look.

Mr. Waltz stated in general, what the City is looking for, is the decorative material weathered as compared to what it ordinarily should be. The Codes are written to determine a degree of reasonable standard.

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Vice Mayor Adamec questioned the City allowing recreational vehicles in the front of the property.

Ms. Harrington indicated that Section 1145.04(a)(5) would not allow recreational vehicles in excess of 32 feet to be parked in a front yard.

After further discussion amongst Council, it was concluded that Section 1145.04(a)(5) of the Code be written to not allow any recreational vehicle in the front yard except in some instances when it is impossible to park elsewhere (due to small yards), whereby the resident would then have to obtain a City permit. Any recreational vehicle may park in a side yard but only on a driveway or parked in a rear yard.

Councilman Sirkin questioned Section 17.1108(e) *materials, equipment, or other items of personal property shall not be stored inside a carport.*

Solicitor Pacheco indicated that the Code is intended to address those residents that are using a car port as an additional storage shed.

Councilman Buckman requested that the previous Section 351.03(20) *No vehicle or trailer may park in a front, side, or rear yard except on a driveway* should remain in the Code.

Ms. Harrington clarified there are some instances where residents are claiming that gravel or rocks are considered a "driveway". She indicated that there is a section of Code that says a driveway must be paved to be considered a driveway. Pursuant to Councilman Buckman's request, Ms. Harrington confirmed that Section 351.03(20) will remain in the Code.

Mary Jane Kenyon, 4757 Alpine Avenue, indicated that she spoke with the Police Department regarding her neighbor who has 7 cars plus a tow truck parked in his front lawn. The lot of his residence is 75 feet and has no garage. She claims that some of the cars have not moved in two years. Ms. Kenyon asked that Council help to resolve the matter.

Ms. Harrington thanked Council for their comments and stated that at the next Council meeting of August 14th, the City Code updates will be in the form of legislation for Council approval.

Councilman Sumner proposed to Council that the City enact a moratorium to suspend any future apartments to be built until the Comprehensive Plan has been updated.

Mr. Pacheco indicated that there are a number of issues and some moratoriums are more lawful than others. A moratorium would not apply to anyone that is already under the current plan. He explained a moratorium could be enacted but it would be very limited in scope and terms. Council would have to designate a zone as they could not legislate apartments out of existence. Mr. Pacheco requested more time to do further research prior to proposing a moratorium.

In addressing Councilman Sirkin's question regarding designated zones, Mr. Pacheco stated that Council would need to decide in a Comprehensive Plan where it would want apartments in the City. A developer would be able to build there and the City cannot legislate against it.

Mr. Waltz explained that the City's existing Comprehensive Plan and Zoning Codes reasonably addresses the issue of apartments and that more attention to the issue could be had through the Comprehensive Plan update that is currently underway.

Councilman Sumner questioned the timeframe in putting a revised Comprehensive Plan in place. Councilman Sumner feels a bad signal is being sent to the development community.

Councilwoman Stoller feels developers already have a bad signal in coming to Blue Ash and are looking to other cities in Hamilton County to build apartments for the young professionals because Council has recently turned down two apartment proposals. Councilwoman Stoller is not in favor of the moratorium.

Councilman Sumner believes by putting a moratorium in place, Council would not be saying that there will never be new apartments in the City but rather Council is saying there are no future apartments until Council can decide where they are acceptable.

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Councilman Bryan feels the City would be better accomplished by simply instructing the City Manager, as a legislative body, that when developers propose apartments and are requesting any form of subsidy, zoning change, etc., that it will not happen. Councilman Bryan is not in favor of a moratorium.

Councilman Sirkin feels a moratorium would not be legal if land is purchased that is zoned for apartments and the City's moratorium says no apartments. Councilman Sirkin is not in favor of a moratorium.

After further discussion amongst Council, Mayor Czerwonka concluded that there was not a consensus of Council to do a moratorium and recommended to continue to move forward with the Comprehensive Plan process.

Police Chief Hartinger informed Council that on Saturday, July 19th, Target, along with the Police Department, Fire Department, and Public Works Department, will be sponsoring a Bike Rodeo from Noon to 3:00 p.m. The annual event is a great opportunity for the kids to bring their bikes for minor tune ups, be properly fitted for helmets, along with teaching bike safety.

Ms. Harrington informed Council that the August 14th Council Meeting, under miscellaneous business, will be a presentation by Greg Dale of McBride, Dale, Clarion regarding the Phase II results of the Comprehensive Plan.

Ms. Harrington further stated that the September 25th Council meeting falls on Rosh Hashanah and felt it would be appropriate to cancel the meeting.

Councilwoman Stoller moved, Councilman Buckman seconded to cancel the Thursday, September 25th Council Meeting due to Rosh Hashanah. A voice vote was taken. All members present voted yes. Motion carried.

Mr. Waltz informed Council there may be a possibility of a Council Work Shop in September and will inform Council of the date.

Mayor Czerwonka thanked Mr. Pacheco for introducing him to Dinsmore & Shohl's three summer associates and allowing him the ability to share with them how the City of Blue Ash operates.

All of Council expressed their appreciation to the City of Staff for the Red, White and Blue Ash event and thanked them for making it a successful event.

12. ADJOURNMENT

All items on the agenda having been acted upon, Councilman Sumner moved, Councilman Buckman seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 8:27 PM.

Lee Czerwonka, Mayor

Jamie K. Eifert, Clerk of Council

MINUTES RECORDED AND WRITTEN BY:

Karla Plank, Administrative Assistant