

A regular meeting of the Council of the City of Blue Ash, Ohio, was held on September 14, 2006. 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, Councilman Henry Stacey, Councilwoman Stephanie Stoller, Councilman James Sumner, and Vice Mayor Mark Weber

ALSO PRESENT: City Manager David Waltz, Deputy Solicitor Bryan Pacheco, Clerk of Council Jamie Eifert, Deputy Clerk of Council Sue Bennett, Treasurer/Administrative Services Director James Pfeffer, Parks & Recreation Director Chuck Funk, Service Director Dennis Albrinck, Economic Development Director Judy Clark, members of the press, and interested citizens

Mayor Buckman appointed Parks & Recreation Director Chuck Funk and Service Director Denny Albrinck to read the legislation in its entirety in the rear of Council Chambers. Mr. Buckman explained to the audience that anyone interested in hearing the ordinances and resolutions read in their entirety is welcome to move to the rear of the Chambers.

**ACCEPTANCE OF AGENDA**

Councilwoman Stoller moved, Councilman Bryan 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. 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 August 10, 2006
- b. Special Meeting of August 17, 2006

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

- 1. Resolution No. 2006-11, making appointments to the Board of Site Arrangement/Zoning Appeals

b. Finance & Administration Committee, Rick Bryan, Chairperson

- 1. Ordinance No. 2006-56, transferring funds

c. Public Works Committee, Henry S. Stacey, Chairperson

- 1. Ordinance No. 2006-57, awarding bid for bulk rock salt

- 2. Ordinance No. 2006-58, authorizing acquisition of right-of-way easement associated with Reed Hartman Highway improvements

d. Public Safety Committee, Stephanie Stoller, Chairperson

- 1. Resolution No. 2006-12, establishing hours for trick-or-treat activities

2. Motion accepting the Findings of Fact/Conclusions of Law regarding the denial of the fire code variance request for Slatt's Pub/formerly Baxter's Bistro at 4858 Cooper Road

10. MISCELLANEOUS BUSINESS

11. EXECUTIVE SESSION – Property Acquisition

12. ADJOURNMENT”

**APPROVAL OF MINUTES**

Councilman Stacey moved, Councilman Czerwonka seconded to approve the minutes of the regular meeting of August 10, 2006. A voice vote was taken. All members present voted yes. Motion carried.

Councilman Bryan moved, Councilman Stacey seconded to approve the minutes of the special meeting of August 17, 2006. A voice vote was taken. All members present voted yes. Motion carried.

**COMMUNICATIONS**

**Communications to Council**

A request to transfer a liquor permit for the Shell Station at Hunt and Plainfield Roads was received:

Permit #: 31889500125

To: Gilligan Oil Company, 9188 Plainfield Road, 45236

From: RW Juckniess Companies, 9188 Plainfield Road, 45236

The Police Department has reviewed the request and has no objection. No Councilperson expressed an objection to this permit.

**Reports From Outside Agencies**

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

**HEARINGS FROM CITIZENS**

Brent Fisher, 5000 Myerdale Drive, thanked the City for recent assistance provided at his property and commented that he looks forward to continuing work with Council on various neighborhood issues, including noise near his home.

There being no further questions or comments from the audience, Hearings from Citizens was declared closed at 7:04 PM.

**COMMITTEE REPORTS**

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

“The following offers a brief description of the items included on the September 14th Council Agenda:

**9.a.1. Resolution No. 2006-11 - Making appointments to the Board of Site Arrangement/Zoning Appeals**

As directed by Council, Resolution No. 2006-11 formally appoints Marc Sirkin of Cooper Woods Court and Julie Brook of Cooper Lane to fill the two existing vacancies on the Board of Site Arrangement/Zoning Appeals. Both appointees have expressed a strong desire to serve on this board and both are expected to be at the meeting.

**9.b.1. Ordinance No. 2006-56 - Transferring funds**

The need exists to make several adjustments to the 2006 budgetary appropriations at this time, as illustrated on the attachment to the ordinance. All of the items listed pertain to four specific issues.

The first involves a need to appropriate revenue and expenditure in the DART Law Enforcement Fund #282 so that a payment of \$2,038.95 made to the City of Blue Ash can be forwarded to the new administrative agency, Springfield Township. These funds actually belong to the current DART operation, and Blue Ash received them in error.

The second issue involves the need to recognize \$1,500 from the Arson Task Force Fund # 284 unappropriated balance so that an expenditure can be made in the contract services area. The City of Blue Ash works cooperatively with other agencies on the arson task force, with the funding for that activity located on

the City of Blue Ash chart of accounts.

Adjustments are needed within Community Development relating to revenue from the issuance of building permits, and a corresponding expenditure to National Inspection Corporation (NIC) under their contract with the City. Building permit revenues in 2006, from two accounts, have exceeded budgetary estimates by a substantial margin, and the need exists to appropriate this additional revenue that has been received, and to also appropriate additional expenditures so payments can be made for the inspection services provided by NIC. The attachment reflects additional revenue in two accounts for a combined total of \$100,000 (\$83,000 + \$17,000) as well as the appropriation of additional expense in Community Development account 232 of \$100,000. Based upon our estimates of remaining collections in these areas for 2006, this effort should set up the accounts for the remainder of the year.

Finally, the need exists to adjust the tax increment financing (TIF) funds #444 and #332 relating to the TIF construction fund, and the issuance of TIF-revenue bonds within the next several months. Last year, a TIF debt retirement fund was established (332) to handle the future collection of payments in lieu of taxes (PILOTS) and for the proceeds of any bonds, interest earned, or notes issued to facilitate the TIF process. Last year, a bond anticipation note with a one-year maturity was issued in December in the amount of \$3,050,000 (it matures 12/14/06).

We also established in 2005 a TIF-construction Fund #444 in 2005. Last year, \$2,900,000 of the proceeds of the first bond anticipation note (\$3,050,000) was deposited into Fund 444 to pay the cost associated with the first garage built at The Landings on Carver Road. The 2006 Budget was structured to roll over the bond anticipation note this fall as the timing was undetermined relating to the construction of the next phase of the project (building two and the second garage). Ongoing discussions between the City Manager's Office, the Economic Development Director, and the Treasurer's Office have indicated the need to amend the plan for an acceleration of the construction of the second garage and building, and to provide the funding for the garage through the actual issuance of bonds instead of notes.

The City anticipates the issuance of 30-year TIF-based revenue bonds in October 2006 in the amount of \$10,000,000. Accelerating the issuance of bonds relative to rolling over notes will accommodate the current need to build the second garage (to accommodate the second building) on The Landings project. The portion of the bond proceeds being placed in Fund 332 (TIF debt retirement fund) will be utilized to provide a \$700,000 debt service reserve to protect the bondholders, as well as resources to cover the cost of bond issuance and legal services, and for interest that may come due during the first year or so before the flow of tax payments (or PILOTS) begins derived from the new structures.

As Council may recall, these bonds do not carry the full faith and credit of the City of Blue Ash as to their repayment. The bonds are considered revenue bonds, backed by the guarantee of Duke Realty, with payment assured through the annual collection of payments to Hamilton County in lieu of the property taxes on the new improvements that were exempted last year. The entirety of the transfer effort involving Funds 444 and 332 relate to restructuring these funds to accommodate the issuance of the bonds and the payment of the appropriate expenses related to that process.

Please direct questions regarding the transfer to the Treasurer.

**9.c.1. Ordinance No. 2006-57 - Awarding bid for bulk rock salt**

The City advertised in the Northeast Suburban Life-Press on August 9, 2006 and sent notices to seven suppliers of highway rock salt throughout the country. Six bids were received and publicly opened on August 31, 2006. Four were responsive to the City's requests and requirements and two declined to bid at this time. The Service Director has reviewed the bids and recommends that the City Manager be authorized to enter into an agreement with Morton Salt, 123 N. Wacker Drive, Chicago, IL 60606-1743 as their bid was the best and most responsive based upon quality, service, performance record, and price. It should be noted that our recommended winning bid this year (\$43.53 dumped) was \$3.88 a ton more than last year's winning bid (\$39.65 dumped), a 9.8% increase. The price jump in 2005-2006 was 20%. Other neighboring communities have also experienced these types of increases and prices. It is assumed that the rise in fuel prices continues to be the main reason for this increase.

Any questions concerning this ordinance should be directed to the Service Director.

**9.c.2. Ordinance No. 2006-58 - Authorizing acquisition of right-of-way easement associated with Reed Hartman Highway improvements**

The property located at 11370 to 11380 Reed Hartman Highway (at the northeast corner of Reed Hartman Highway and Cornell Park Drive) is owned by the American Small Business Investment Company located in Arlington, Virginia. The City, working with the right-of-way specialist from CDS Associates and with Dinsmore & Shohl, has been negotiating with this property owner to secure a storm drainage and a highway easement related to the Phase II widening of Reed Hartman Highway. Early in the project, the property owner provided the City with a temporary right-of-entry, with all parties agreeing that final negotiations and compensation would be handled following completion of the work.

We believe that all issues relating to these grants of easement have been addressed with the owner, and a final

monetary compensation has been agreed upon at \$74,451.24. That compensation provides for a permanent grant, for highway and storm water purposes, of an easement over 15,112.81 square feet of frontage of this property on Reed Hartman Highway and Cornell Park Drive.

Other issues relating to landscaping, signage replacement, etc. have also been resolved, hopefully allowing a closing following favorable consideration of this legislation by Council. This should represent the final acquisition of right-of-way necessary for the Phase II widening of Reed Hartman Highway.

Please direct questions to the Service Director or Treasurer.

**9.d.1. Resolution No. 2006-12 - Establishing hours for trick-or-treat activities**

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 31<sup>st</sup>. This resolution establishes Tuesday, October 31<sup>st</sup> from 6 to 8PM 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 insuring that the safety of all is protected.

**9.d.2. Motion accepting the Findings of Fact/Conclusions of Law regarding the denial of the fire code variance request for Slatt's Pub/formerly Baxter's Bistro at 4858 Cooper Road**

At the August 10th Council meeting, a hearing was held regarding a request from Baxter's/Slatt's to consider a variance to the Fire Code which requires a restaurant with a floor area of 5,000 square feet or more to install a sprinkler system. After discussion and further consideration by Council at that hearing, Council voted (six to one) to deny the request for a variance.

To complete this process, a formal "Findings of Fact/Conclusions of Law" document was prepared by Dinsmore & Shohl and is included in Council packets. A motion to approve and accept this document would be appropriate.

Please direct questions regarding this item to the City Manager or to the Assistant Community Development Director Dan Johnson at 745-8528."

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

Councilman Sumner asked the Clerk of Council to read Resolution No. 2006-11 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2006-11

PROVIDING FOR THE APPOINTMENTS OF MARC SIRKIN AND JULIE BROOK TO THE BOARD OF SITE ARRANGEMENT AND BOARD OF ZONING APPEALS OF THE CITY OF BLUE ASH

Councilman Sumner moved, Councilwoman Stoller seconded to adopt Resolution No. 2006-11. There being no discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeases. Resolution No. 2006-11 passed. The Oath of Office was administered by the Mayor to both Dr. Sirkin and Ms. Brook who were in attendance at the meeting.

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

Councilman Bryan asked the Clerk to read Ordinance No. 2006-56 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-56

PROVIDING FOR THE TRANSFER OF FUNDS AND AMENDMENTS WITHIN THE ANNUAL APPROPRIATION ORDINANCE NO. 2006-3 FOR THE YEAR 2006 (AS SHOWN ON ATTACHMENT); AND DECLARING AN EMERGENCY

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

Councilman Bryan moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-56. Councilman Bryan explained that a major reason for this transfer relates to the accounting requirements associated with the TIF connected with The Landings project and parking garage on Carver Road. There being no questions or further discussion, the Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, Sumner, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-56 passed.

**Public Works Committee, Henry S. Stacey, Chairperson**

Councilman Stacey asked the Clerk to read Ordinance No. 2006-57 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-57

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF HIGHWAY DE-ICING ROCK SALT; AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilwoman Stoller seconded to adopt Ordinance No. 2006-57. Service Director Denny Albrinck assured Council that the City would have enough salt for the upcoming winter season. There being no further discussion, the Clerk called the roll. Councilpersons Czerwonka, Bryan, Stoller, Sumner, Weber, Stacey, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-57 passed.

The Clerk was asked to read Ordinance No. 2006-58 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

ORDINANCE NO. 2006-58

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE ACQUISITION OF STORM DRAINAGE AND PERMANENT HIGHWAY EASEMENTS IN CONJUNCTION WITH THE REED HARTMAN HIGHWAY, PHASE II PROJECT (AFFECTING PORTIONS OF PARCEL 189 OF PAGE 170, BOOK 612 OF THE HAMILTON COUNTY AUDITOR'S OFFICE RECORDS, LOCATED AT 11370 – 11380 REED HARTMAN HIGHWAY (PROJECT PARCEL #32); AND DECLARING AN EMERGENCY

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

Councilman Stacey moved, Councilman Bryan seconded to adopt Ordinance No. 2006-58. In addressing questions from Council, Mr. Albrinck commented that this property is the last to be resolved associated with the Phase II Reed Hartman Highway project. Since it was a larger property (northeast corner of Cornell Park Drive and Reed Hartman Highway) with more factors involved, the dollar amount may appear to be higher; however, given all components, the dollar amount is comparable. There being no further discussion, the Clerk called the roll. Councilpersons Stoller, Sumner, Weber, Stacey, Czerwonka, Bryan, and Mayor Buckman voted yes. Seven yeases. Ordinance No. 2006-58 passed.

**Public Safety Committee, Stephanie Stoller, Chairperson**

Councilwoman Stoller asked the Clerk to read Resolution No. 2006-12 by title only.

THEN WAS PRESENTED AND READ BY TITLE ONLY:

RESOLUTION NO. 2006-12

AUTHORIZING HALLOWEEN ACTIVITIES AND ESTABLISHING  
TIME LIMITATIONS IN THE CITY OF BLUE ASH, OHIO, FOR  
OCTOBER 31, 2006

Councilwoman Stoller moved, Councilman Sumner seconded to adopt Resolution No. 2006-12. Council discussion supported the idea that a significant police and fire presence during Halloween activities provides a good opportunity to allow positive contact among Blue Ash children and the City's public safety representatives. There being no further discussion, the Clerk called the roll. Councilpersons Sumner, Weber, Stacey, Czerwonka, Bryan, Stoller, and Mayor Buckman voted yes. Seven yeases. Resolution No. 2006-12 passed.

Councilwoman Stoller moved, Councilman Sumner seconded to accept the Findings of Fact/Conclusions of Law document prepared by Dinsmore & Shohl associated with the request (and subsequent Council denial) of a variance to the Fire Code associated with an expansion of Slatt's Pub (formerly known as Baxter's) restaurant at 4858 Cooper Road. A voice vote was taken. All members voted yes. Motion carried.

***MISCELLANEOUS BUSINESS***

Service Director Denny Albrinck reminded Council of the snowplow and equipment training activities scheduled for the Service Department next week. Among other activities, Monday and Wednesday will include practice sessions for running the course, and Friday will be the Roadeo. Activities take place in the back parking lot of the Sports Center.

Parks & Recreation Director Chuck Funk reminded Council of Heritage Day activities set for Saturday, October 14<sup>th</sup>. This year's activities will be unique in that our Sister City delegation from Ilmenau will be in Blue Ash and this event will represent the grand opening of the Hunt House. A dedication/ribbon cutting will be planned for around Noon that day, and further information will be provided to Council in the near future.

Mr. Funk reminded Council of the two recent requests received regarding memorial benches and the need to revisit the memorial policy as expressed by several Council members over the past several weeks. In the Year 2000, a Council guideline was established that suggested such memorials would be allowed for persons with substantial Blue Ash contributions. Over the past several weeks, several current Councilpersons expressed an interest in relaxing those guidelines. After some discussion, Councilman Stacey moved, Councilwoman Stoller seconded to relax the requirement for substantial Blue Ash affiliation. (No voice vote or roll call vote was taken after this motion.) After further discussion, it was suggested that Mr. Funk develop a "wish list" of items that would be functional and could serve as memorials, and that Mr. Funk suggest to Council for their consideration a revised policy or guideline for consideration of such requests in the future.

City Manager Waltz reminded Council that the October 12<sup>th</sup> Council meeting start time has been adjusted to begin at 6:00PM, and that the Ilmenau delegation will be in attendance at that meeting. An informal dinner will be held at the Golf Course clubhouse after that meeting.

Mr. Waltz commented that given the few items scheduled for the agenda for the September 28<sup>th</sup> Council meeting, the fact that it is likely at least one Councilperson will not be able to attend, and a police retirement event has been scheduled for that evening, it would not be disruptive to cancel that meeting. Councilman Bryan moved, Councilwoman Stoller seconded to cancel the September 28<sup>th</sup> Regular Council meeting. A voice vote was taken. All members voted yes. Motion carried.

Councilman Stacey moved, Councilman Bryan seconded to set 7:00PM, Thursday, November 9, 2006, as public hearing for the amendments to the Downtown design guidelines. A voice vote was taken. All members voted yes. Motion carried.

Mr. Waltz commented that the Economic Development Director is working on the new website geared towards economic development efforts, and is about 90% complete. The Administration plans to preview that website at the October 12<sup>th</sup> regular meeting.

Mr. Waltz commented that he recently returned from the ICMA conference in San Antonio, Texas. He mentioned that nearly 4,000 City Managers attended, and that he does experience value in attending the conference and the various workshops offered.

Councilman Stacey thanked the Service Department for improving the pavement on Ronald Reagan Highway and for assuring the sidewalks are being installed near the Hunt/Blue Ash Road intersection and railroad tracks.

Councilman Czerwonka commented favorably on the economic development newsletter and complimented the Parks & Recreation Department and others involved with the three-day Taste of Blue Ash as well as the other regional special events held throughout the year.

Mayor Buckman expressed his thanks as well for the work involved with the regional events sponsored by Blue Ash and reminded all that the Airport Days event, though not a City-sponsored event, is this weekend.

**EXECUTIVE SESSION**

After all items on the agenda were acted upon, Councilman Bryan moved, Councilman Weber seconded to convene an Executive Session to discuss matters pertaining to property acquisition. The Clerk called the roll. Councilpersons Weber, Stacey, Czerwonka, Bryan, Stoller, Sumner, and Mayor Buckman voted yes. Seven yeases. Motion carried.

After matters pertaining to property acquisition and personnel matters were discussed, Councilman Bryan moved, Councilwoman Stoller seconded to convene to the regular meeting. A voice vote was taken. All Council members voted yes. Motion carried.

**ADJOURNMENT**

All items on the agenda having been acted upon, Councilman Bryan moved, Councilwoman Stoller seconded to adjourn the meeting. A voice vote was taken. All members voted yes. The Council meeting was adjourned at approximately 7:57 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