

**MINUTES OF THE REGULAR  
MEETING OF LOVELAND CITY COUNCIL  
Tuesday, November 11, 2008**

Mayor Weisgerber called the meeting of the Loveland City Council to order at 8:00 p.m. The Pledge of Allegiance was recited.

Members Present: Mr. Elliott, Mr. Fitzgerald, Mr. Osborne, Mayor Weisgerber, Mr. Zuch

Also Present: Mr. Carroll, City Manager; Mr. Wright, Assistant City Manager; Mr. Klaine, Solicitor; Mr. Taphorn, Finance Director; Mrs. Cox, Clerk of Council; Mrs. Amanda Stephany, Assistant to the City Manager; Mr. Rees, Safety Director; Acting Police Chief Wilmes, Officer Worley, Officer Caudell, Chaplain Hounshell, Sergeant Bomske, Officer Keller, Detective Corbett, Officer Bibelhausen, Sergeant Rahe, Officer Brown, Officer Burch, Police Specialist Shockey, and from the Loveland-Symmes Fire Department, Lieutenant Frye and Firefighter Brumagen

The Mayor entertained a motion to excuse Vice Mayor Bednar and Mr. Schickel; so moved by Mr. Elliott and seconded by Mr. Osborne. The motion was approved by unanimous consent.

Mr. Fitzgerald moved to approve the minutes of the October 28, 2008 Council meeting; seconded by Mr. Elliott. The motion was approved by unanimous consent. Mr. Osborne moved to approve the minutes of the October 28, 2008 Council public hearing; seconded by Mr. Fitzgerald. The motion was approved by unanimous consent.

**PERSONS APPEARING BEFORE COUNCIL**

Acting Police Chief Wilmes thanked Council for the opportunity to recognize Officer Worley as the Officer of the Third Quarter of 2008, a special recognition because the nomination is made by other Officers. He explained Officer Worley joined the Loveland Police Division (LPD) in 1996 and has been instrumental in revitalizing and growing the Police Explorer Program. While not attending to his personally owned and operated business, he owns and maintains the LPD quad runner, which is used at special events and parades, and has also won three competitions for best specialty police vehicle this year. Officer Worley's dedication to the LPD and the community is unsurpassed and has earned him this recognition. Mayor Weisgerber congratulated Officer Worley and Mr. Carroll commented this is a special award and particularly a special honor for a part-time officer.

Lieutenant Frye and Firefighter Brumagen, Loveland-Symmes Fire Department, appeared to demonstrate new technology they've secured through the 2007 Fire Act Grant, a grant of \$5,000 that obligated the City and Township for 10% of that amount. The Touch Tab will allow them to record any violations they find when making inspections simply by touching the screen of this tablet, rather than handwriting violations and mailing notices when they return to their office. The tablet identifies the violation and offers suggestions for correcting the violation. Lieutenant Frye expressed their appreciation for the City's support and assistance and thanked all Veterans who were present this evening. He also commended the Mayor and St. Columban students for their Veterans Day program held this morning at the Veterans Loveland Memorial. Firefighter Brumagen demonstrated how the tablet will print a report after violations have been entered.

**OPEN FORUM**

Mr. David Miller, 251 Wall Street, stated he was invited to Paxton's Grill today and expressed his appreciation for the free Veterans luncheon and the great hospitality shown to the Veterans. Saying that today's news was mostly about the economy and referring to the City's application for an Appalachian grant, he stated that money wouldn't go towards those who are poor and disadvantaged, it would be used to buy properties, parking lots, street lights, etc., for the Downtown TIF area. He feels calling this a Job Creation Project isn't fooling the public, as they'll know these are places where affluent can come to recreate. He feels the area is blighted because the owners were not maintaining the buildings for many years because they were waiting on speculators or the City to buy their places. He also stated it's ironic that the TIF area and beyond that is being taken out of the tax base because it is now owned by the City and is not generating any school taxes. He feels Loveland is not poor, but just because the City could get this money doesn't mean it should. Referring to the Community Development Block Grant (CDBG), he stated that while the City is eligible for the grant, it doesn't

make it right and they shouldn't go after the funds and using this money as proposed would not benefit low income people, working poor, or school kids who attend after school programs at Loveland Initiative. He feels the alternative is to go after the money and use it for programs that are in town that are doing good things like helping people with their bills, educating their children, etc. Mr. Miller stated he's ashamed that this affluent community is getting federal money and there are people in other parts of Appalachia that he knows need that money, as well as area people who haven't recovered from the recent storm because they don't have money.

### **CITY MANAGER'S REPORTS**

Memorandum No. 102 explained a resolution before Council authorizes a temporary advance of funds from the City Catastrophic Reserve until February 2009 to cover the acquisition of properties. Mr. Carroll stated the Downtown properties being purchased will exhaust the undesignated funds kept in the General Fund. Therefore, it will be necessary to advance funds for several months from the City's Catastrophic Reserve, which has a healthy balance of \$1,058,000, and replenish that advance in February when bond anticipation notes are rolled over for all the Downtown acquisition projects. The 2009 budget will have a Catastrophic Reserve adopted as drafted of \$1,048,000. The Mayor noted using these funds will save not having to call in investments. Mr. Taphorn explained \$625,000 would be taken from the STAR Ohio Reserve, a money market fund run by the State for municipalities and school districts; it's currently paying about 2% - 2.1% interest. Mr. Fitzgerald felt if the City had to put together two separate offerings, it would cost the City more than the 2% they will be foregoing; Mr. Taphorn concurred and stated the City would save about \$1,000 - \$1,500. Mr. Osborne asked why the Downtown TIF pro forma (attached to the memorandum) shows \$42,000 for taxes under expenditures. Mr. Carroll clarified the City will pay taxes on these properties to all the entities that collect taxes since the City owns it on an interim basis for purposes of development and Mr. Miller's statement made earlier this evening was not accurate. Mr. Elliott commented there's approximately \$500,000 of grant monies that will be forthcoming for the TIF area and he and other Council Members would like to see some of CBDG funds not go to this project alone. Mr. Carroll noted the City applied for a \$250,000 Community Development Block Grant, based on Council's direction and at some future time, if Council so directs, they could amend the application. Discussion ensued on the timeline for applying for CDBG funding. Mr. Wright explained November 3 was the deadline for all villages, townships, cities and the County to submit their requested grants to Hamilton County. The first week of December, Hamilton County Commissioners will conduct a public hearing and around January 9, the County will submit their requested projects to the Department of Housing and Urban Development. Mr. Elliott requested that the hearing date be verified for Council and the public.

Regarding the Councilmanic Worksheet Update, Mr. Osborne felt storm water recommendations should be presented to Council before September 8, 2009 and he would like to see the next report in the spring, particularly for the Durango/Tuscarora intersection because of the icy conditions caused throughout the winter by storm water. The south portion of the Heights, along Bellwood, Commanche and Mohican and the eastern side of Claiborne will also see additional runoff. Mr. Carroll felt cost estimates could be provided for both areas, but the primary concern is there's no funding in the 2009 budget without a rate increase and Council has directed there will be no increase in water, sanitation and storm water fees because of economic pressure residents are facing. Mr. Fitzgerald concurred with Mr. Osborne and stated there's an apparent infrastructure need and the City needs to work to reinvest in these middle income communities. He feels the best way to maintain the strength of a neighborhood is to have good infrastructure, not have standing water, crumbling curbs, etc., and it makes sense to get planning and preliminary engineering underway, particularly with the state-wide passage of Issue 2 and the potential for a federal stimulus package that would focus on public works and infrastructure.

### **COMMUNICATIONS**

Mr. Zuch asked for an explanation on Communication No. 4, Mayor's Court Report. Mr. Carroll explained this report format is different because of the new Mayor's Court software. A more detailed report will be provided to Council.

Mr. Taphorn explained, as noted in the October 2008 Financial Report, his understanding in talking to the Warren County Auditor's office is that they did not interpret the City's ordinance directing them to collect the Brandywine on the Little Miami Subdivision's lighting district levy as an ongoing levy. Once they reviewed City legislation submitted to their office, they realized it is an ongoing levy. Since the County did not collect the assessed amount this year, the amount will be doubled in 2009.

**COUNCILMANIC WORKSHEET**

The Worksheet was reviewed and updated. The next report on the Fox Meadow Farms/Loveland Heights is due March 24; City Departments Automatization/Digitization report is due February 24 and Council Rules update was added, with a report date of December 9. Discussion ensued on the automation/digitization project saving employee time and increasing efficiencies for employees and residents, particularly being able to file income tax returns online.

**OLD BUSINESS – ORDINANCES**

Mr. Osborne introduced for second reading AN ORDINANCE AMENDING THE SALARY CEILINGS AND POSITION CLASSIFICATIONS OF NON-UNION CITY EMPLOYEES FOR 2009. Mr. Fitzgerald commended Administration for this effort and questioned if this will lead to a new process for employee evaluations and pay schedules. Mayor Weisgerber explained the City Manager's memorandum referred to both this ordinance and pay for performance; however, this ordinance only establishes 2009 salary ceilings and a 1% pay for performance bonus for outstanding work in 2008. Mr. Fitzgerald questioned if a means of evaluation would be established for pay for performance and suggested the employee relocation compensation have flexibility to include those who may not be able to purchase a house. Mr. Carroll explained a separate fringe benefit ordinance will deal with the incentives, such as relocation compensation, and agreed a nuance for pay for performance is needed, but this ordinance is the start of that. He also commended staff's work over the last year and noted a currently vacant position in the Tax Department is being eliminated. While they are far from a pay for performance system, his intent is to set expectations for 2009; in 2009 and 2010, they will be able to measure employees' results against those expectations and award them accordingly. Mr. Elliott felt there are contradictions, as the City has chosen to spend more money on technology to improve employees' efficiencies, but instead of giving the savings to taxpayers, they're giving employees a bonus and a 3% pay raise in 2009 and he doesn't feel they're sharing in the pain the public is going through currently. He also felt the City is stingy with other taxpayer needs, as pointed out by Mr. Miller. Mayor Weisgerber disagreed with Mr. Elliott and stated because efficiencies have been gained, the pay for performance cost less than having additional employees, resulting in saving taxpayer dollars while rewarding employees who go above and beyond. He believes it's crucially important to support employees while at the same time being cognizant of how those taxpayer dollars are spent. ROLL CALL: Zuch, yes; Elliott, no; Fitzgerald, yes; Osborne, yes; Weisgerber, yes. Ordinance was approved and assigned the number 2008-76.

**OTHER OLD BUSINESS**

Mr. Elliott distributed communications he received from Loveland Initiative (LI) and apologized that due to printer issues, he only had part of the communications tonight, but explained these are comments from those who utilize LI's services. He read a few comments that asked for support and future funding of LI and stated he'll have remaining communications sent to Council. Mr. Elliott stated the small funding LI receives through the City from the CDBG is vital, yet it is a small portion of their financial need. Mr. Osborne commented Council was very specific at their last meeting and when they originally voted on the last CDBG and there were certain goals that were established that have not been met. There are other non-profit organizations that help Loveland residents, such as L.I.F.E., organizations at St. Columban and New Hope Baptist Church, and other organizations that could apply for these grants and that are as needy and could use block grant money, if that is appropriate use of that money. Discussion ensued on whether Mr. Elliott would have a conflict of interest with LI. The Mayor cautioned about making personal comments and asked that if there is a point, that it be made, otherwise they should move on. Mr. Osborne explained his point is he's asking if Mr. Elliott has any kind of conflict and whether he should be voting for any issue that relates to that. Mr. Elliott stated he has disclosed all his financial affiliations. Mr. Klaine stated from all the information he's seen, he doesn't see that Mr. Elliott has any particular personal interest or benefit from donating funds and advocating on behalf of a particular group. The Mayor added that all Council Members are a member of this community and he hopes are a member of a church, though that's up to the individual, and all should be very careful about what they participate in and make sure they are not receiving any kind of benefit from the City's business. Making a contribution to a charitable organization is not something that should constitute any concern as far as conflict is concerned.

**NEW BUSINESS – ORDINANCES AND RESOLUTIONS**

Mr. Osborne introduced A RESOLUTION COMMEMORATING VETERANS DAY IN THE CITY OF LOVELAND, OHIO. Mr. Zuch commented he was also at Paxton's today and enjoyed their hospitality with like Veterans and commended them for doing this wonderful act for them. He also thanked

Veterans who are in uniform today for the tremendous sacrifice they and their families are making. He expressed hope our nation's new leadership will take into account the opinions of the troops and the expertise of the Generals and Admirals, as everyone has so much to learn from those who served during World War II. He encouraged everyone to thank these Veterans and give them an opportunity to share their memories if they want to and recognize the Veterans who served during peacetime. Mr. Zuch questioned if Veterans Day should be a City holiday, since City Hall wasn't closed today. While recognizing St. Columban students who walked from their school to the Veterans' Loveland Memorial and the Mayor for speaking to the students, he wondered if the City could do something more formal for the Veterans and suggested perhaps including the Veterans organizations in St. Columban's program or having a forum to honor them. Mr. Carroll pointed out employees currently have nine holidays and three personal holidays and recommended that a personal holiday be substituted if Veterans Day becomes a holiday. He also noted there are two union contracts that would need to be revisited because union employees in the Police Division are entitled to get City holidays; therefore, there would be a fiscal impact even if substituting a personal holiday and it may take a couple of years until that could be finalized. Having said that, he feels staff could look at the ceremonial and celebratory aspects in conjunction with St. Columban and Paxton's Grill. Mayor Weisgerber explained the seventh and eighth graders from St. Columban walk to the Veterans' Memorial every year and this year they discussed having Veterans participate, perhaps even advertising the event. He also noted the Cincinnati Public Library has a program where Veterans can record their experiences and thanked all Veterans for serving. Mr. Zuch also noted that Vice Mayor Bednar is a Veteran who served in the Army and expressed his appreciation. ROLL CALL: Weisgerber, yes; Zuch, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes. Resolution was approved and assigned the number 2008-77.

Mr. Osborne introduced A RESOLUTION AUTHORIZING AN ADVANCE OF FUNDS FROM THE CITY'S CATASTROPHIC RESERVE ACCOUNT UNTIL FEBRUARY OF 2009 FOR THE PURPOSE OF REVITALIZING LOVELAND'S HISTORIC DISTRICT AND CREATING JOBS. ROLL CALL: Elliott, no; Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes. Resolution was approved and assigned the number 2008-78.

#### **OTHER NEW BUSINESS**

Mayor Weisgerber announced the Senior Academy, a program sponsored by the Police Division and New Hope Baptist Church, is designed to provide information that is pertinent to senior citizens in the Loveland area. Classes will be held at New Hope on November 18, December 2, 9 and 18.

The Mayor entertained a motion to go into executive session under Ohio Revised Code Section 121.22(G)1, Personnel; so moved by Mr. Fitzgerald and seconded by Mr. Osborne. ROLL CALL: Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes; Elliott, yes. Motion was approved and Council went into executive session at 9:10 p.m.

The Mayor entertained a motion to reconvene the regular session; so moved by Mr. Osborne and seconded by Mr. Elliott. The motion was approved by unanimous consent and the meeting reconvened at 9:50 p.m.

Mr. Fitzgerald moved to adjourn; seconded by Mr. Osborne. The motion was approved by unanimous consent and the meeting adjourned at 9:51 p.m.

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Mayor

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Clerk of Council