

**MINUTES OF THE REGULAR  
MEETING OF LOVELAND CITY COUNCIL  
Tuesday, November 25, 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: Vice Mayor Bednar, Mr. Elliott, Mr. Fitzgerald, Mr. Osborne, Mayor Weisgerber, Mr. Zuch

Also Present: Mr. Carroll, City Manager; Mr. Wright, Assistant City Manager; Mr. Braun, Acting Solicitor; Mrs. Cox, Clerk of Council; Mr. Taphorn, Finance Director; Mr. Steger, Assistant Finance Director; Mrs. Stephany, Assistant to the City Manager; Chief Sabransky, Police Specialist Shockey, and Safety Director Rees

Mr. Schickel arrived at 8:02 p.m.

The minutes of the November 11, 2008 Council meeting were presented. Vice Mayor Bednar expressed appreciation for Mr. Zuch acknowledging his military service, but pointed out while he did serve in the Army, he did not serve in Viet Nam and asked that the minutes reflect that. The Mayor entertained a motion to approve the minutes as corrected; so moved by Mr. Elliott and seconded by Vice Mayor Bednar. ROLL CALL: Elliott, yes; Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes. Motion carried.

**PERSONS APPEARING BEFORE COUNCIL**

Ms. Paulette Leeper, Executive Director of the Loveland Area Chamber of Commerce, stated she's here tonight to present Council with a resolution that the Chamber Board passed unanimously last week. They also crafted a new Board vision statement, which is, "Partnering for Business Success," which she felt they implemented with this Resolution. Ms. Leeper read in its entirety, "A Resolution In Support of the City of Loveland's Effort To Contain The Cost of Sanitary Sewer Services For Businesses Served By The Polk Run Sewer Plant." The resolution stated the City entered into an agreement with Hamilton County's Metropolitan Sewer District (MSD) to operate the City owned Polk Run sewer plant in 1985. However, due to EPA mandates MSD must comply with and given the condition of the Polk Run plant, City officials believe they can operate the plant more efficiently and inexpensively than MSD, thereby lowering the cost of skyrocketing sewer rates for businesses located in the City of Loveland and north of Interstate 275. With the Chamber's purpose of promoting the economic, civic and recreational welfare of the people of Loveland and the vicinity and to aid in maintaining an atmosphere conducive to successful business operations, they stand behind Council in its attempt to stop the rising sewer rates and recognize and appreciate the City's foresight in maintaining an atmosphere conducive to business success in the Loveland area. Ms. Leeper presented Mayor Weisgerber the resolution. He asked Ms. Leeper to express Council's appreciation for the Chamber stepping forward and taking time to understand the issue and voicing their support. Ms. Leeper pointed out a member of their Board of Trustee promoted this resolution and she is proud of their recognition of the problem and their action

Mr. Dennis Rees, Safety Director, expressed appreciation for Council giving him the challenge and opportunity to conduct a four-month project called, "Good To Great." He explained the project was born out of the creation of the City's "Mission, Vision, and Values" statement adopted several years ago and out of a Council goal of continuous improvement. A 2007 citizen survey revealed Staff is doing a good job, but in order to continue doing a good job, maybe even do a great job, it was felt they needed to identify what is being done. The report submitted to Council tonight reveals City salaries and benefits are consistent with other entities, there's an increase in training and education opportunities, flexible schedules are consistent with Department and community needs, and the importance of including employees in the decision making process. The project was given a theme of employee and organizational enrichment and as a Power Point presentation was shown, Mr. Rees explained the process began with interviewing the Mayor, then spending two to three hours with every employee, with the concept of employee enrichment leading to excellent services for citizens. Employee enrichment provided through training, resources, equipment, etc., will provide the organization with the ability to do better and more work to meet the community's changing needs. The City's employee appraisal system is in the process of being changed from looking at the past year to

looking ahead and setting goals, leading to a pay for performance system. While that sounded scary to employees, he felt they embraced it and appreciated the idea of being recognized and setting goals and that being a part of their pay. During his interviews with the Mayor, City Manager, and Department Heads, they identified more weaknesses than strengths and room for growth and improvement. He then talked to Managers about employees' concerns and suggestions before presenting this report to them and to Council. Mr. Rees reviewed the process utilized during each employee interview by discussing individual items identified in the City of Loveland Mission and Vision Statement and talking about team work and cooperation, redefining a strong work ethic, communication issues, and how these visions and values apply to what each employee does on a daily basis. The one theme he heard throughout the process was that employees love their job, which he feels speaks highly of the Management Team and the employees. Fifteen specific City-wide recommendations are included in the report submitted to Council, as well as specific recommendations for the three Departments, which he identified as the City's hierarchy of needs and what it will need to go from good to great. Mr. Rees applauded Council and Administration for providing a basis for compensation and benefits to get the best available employees. While tools and resources have been made more available over the last ten years, he feels there could be improvement in that area and in enhancing the work environment by providing policies, procedures, and processes. The next step is development of employees and departments so they work more effectively together for the common goal of servicing the community. The process of going from "Good to Great" has just started and if great is to be achieved, they need to do a better job of working together, providing excellent service, and continuously improve at the mandate of Council. The Mayor expressed appreciation for Mr. Rees' time and stated it's good to take a hard look at where opportunities are and to determine how to put some of these recommendations into action. Mr. Rees stated Department Heads discussed taking the next step and employees are committed and know this is about enriching their work environment. Mr. Fitzgerald questioned how, when and who will be shepherding this and will recommendations, from a Staff and Administrative perspective, be presented so when Council holds their goal setting session they can give their reaction and hierarchy of need to fulfill this in an ordered and incremental fashion. Mr. Carroll stated the responsibility rests with him and this will serve as a springboard for the conversation. While they can't tackle 15 recommendations at once, he feels they started to address a need by hiring a Staff member with human resource expertise. He will report some recommendations to Council for their goal setting session; his goal is to have at that time a perspective performance appraisal system that will express what they want individual employees to work on in 2009. They will then fine tune and develop what will become a pay for performance system. Periodic reports will be submitted to Council addressing what has been done along with recommendations on what should and should not be done.

Mayor Weisgerber stated he'll hate to see Mr. Rees retire and he appreciates all he's done, but in recognition of his years of service, he presented Mr. Rees a historic City map. Mr. Carroll stated it's been his pleasure to serve with Mr. Rees, who has been with the City for 13 years. He could imagine no one more suited to work with employees on the "Good to Great" project and he'll miss him.

#### **OPEN FORUM**

Ms. Molly Kelly-Elliott, 242 Cordero Trail, stated many Loveland residents appreciate City employees' hard work and it's wonderful to hear they're working towards improving the work environment and based on what she's hearing, she feels that people would be thrilled to work in Loveland. She's here to support the continuation of Community Development Block Grant monies for the Loveland Initiative (LI), explaining they provide services (Cool School, Backpack Program, Christmas Toy Store, etc.) to community people who live in subsidized housing. They have the potential to be transformative for some and aid in empowering people, rather than fostering dependency on a charity model. At a time of historical economic crisis, those who are already financially marginalized are supremely vulnerable. Council approved a 3% raise for many City employees when many people will have their pay cut or lose their jobs. While she doesn't begrudge that to any Loveland employee, she would be interested to pursue research on what communities are able to provide such a bonus at this time, in addition to bonuses for performance, which she thinks is wonderful, but amazing at this particular time. The negligible amount that the City has allocated to LI does not take away from the community, but it actually benefits the community by demonstrating the humanity of a small town for all of its residents. Ms. Kelly-Elliott urged Council to continue support of LI to the allocation of CDBG funds.

**CITY MANAGER'S REPORTS**

Memorandum No. 104 summarized the results of the 2008 "Good to Great" project, as presented earlier this evening. Mr. Zuch stated he feels the City is moving in the right direction with this program and by empowering employees, they're setting them up to excel. The training will help employees move into future vacancies and it will also give the opportunity to find out who wants to be part of the City's mission and to move on without those who do not. The pay for performance will be somewhat tricky, but he feels it will be a positive experience for the City. Mr. Fitzgerald expressed hope Council will receive updates on their goals before Council's next goal setting session.

Memorandum No. 105 transmitted updates on the recommended 2009 Budget from the Finance Committee to Council, a reflection of more than six hours of deliberation by the Committee and Staff. Mr. Fitzgerald noted the budget includes funds to affect repairs and improvements to some City parks and he commended members of the Recreation Board for their stewardship efforts. With park usage demands and groups that regularly schedule use of City facilities, he feels there should be a means of a fee structure whereby future improvements may not require borrowing money and he feels Council should request the Recreation Board take leadership in that area. With the HR skills of the Assistant to the City Manager, which fills a huge void, the Rec Board is probably undermanned in the sense it does not have a Staff member dedicated to administering it, though he suspects this will not change in the near future, and there hasn't been firm direction from this Council on managing parks and facilities. If fee revenues aren't generated to supplement the subsidy of tax dollars, parks will continue to fall behind and he hopes the 2010 budget will address this. Vice Mayor Bednar expressed appreciation to Mr. Taphorn and Mr. Carroll for preparing and summarizing the budget to make the Finance Committee's deep perspective process less time consuming. With their discussions on recreation funding, he feels his lobbying will provide future funding. Mr. Carroll thanked the Vice Mayor and noted Mr. Wright, Mr. Steger, Department Heads, and Staff gave many hours to this participatory process. Mr. Zuch also stated City parks need another revenue structure and more oversight and he noted the efforts of Staff and Finance Committee Members, Ms. Leeper, Mr. Hothem, Mr. Rost, and Mr. Veroni. Mr. Elliott stated he was the dissenting vote on the 2009 budget in its present form based on grant income revenues of \$500,000 from CDBG being earmarked for the City, as opposed to any of it being for LI, and appropriating \$440,000 (line 703) for special counsel for MSD.

Regarding Councilmanic Worksheet updates (Memorandum No. 106), Mr. Osborne noted the Entertainment District report also includes liquor licenses and he requested a report on both items in March since liquor license renewals must be submitted by mid-April to become effective June 1. Discussion ensued on entertainment districts allowing an entity to exceed its allocation of liquor licenses where there's a concentration of restaurants and bars, such as the Historic Downtown. Mr. Carroll explained the purpose of the City having an entertainment district is to serve potential redevelopment or existing need. Mr. Zuch felt providing WiFi service will give the City an image of being progressive and encourages high-end businesses, but he feels health concerns should be included in future reports. Mr. Carroll noted there are similar concerns about other wireless transmitting devices, but that can be included as part of Staff's evaluation. He noted larger cities are pulling back on their models that were highly touted, but if Council or Staff wants to move forward, they'll keep an eye on health effects. Mr. Zuch felt it would be prudent to wait.

Mayor Weisgerber explained Mrs. Cox has been with the City for 17 years, both as Clerk of Council and Administrative Assistant. With her retirement in 2009, Council and Staff jointly recruited from 186 applicants for a replacement and have offered the joint position to Mrs. Misty Cheshire. Mr. Zuch felt there were many quality applicants, which speaks well of the City, and all three finalists were excellent, however, he feels Mrs. Cox will be hard to replace and she'll be missed. Mrs. Cox thanked Council.

**COUNCILMANIC WORKSHEET**

The Worksheet was reviewed and updated. The next report on the Liquor License/Entertainment District was scheduled for March 10 and reports on Park Avenue Storm Water and Wireless Internet Access were dated May 26. Regarding the Liquor License report, Mr. Carroll stated Staff can provide a list of licenses and police service calls made since last year's renewal, as done the last two years. The reports will also include if any licenses are available. Chief Sabransky reported there has probably been a decrease in police service calls since Council's last report. Mr. Fitzgerald asked that the Policies and Procedures Manual be added to the Worksheet. He feels with legal expenses associated with this ongoing update and before the "Good to Great" appraisals and performances can

be put in place, completing this manual update should be first priority; Mr. Carroll stated the first report will be presented for their January 13 meeting.

### **OTHER OLD BUSINESS**

Mr. Carroll noted Mr. Fitzgerald notified him today of state legislation impacting Mayors' Courts, which he feels is an assault on home rule and local control. Mr. Braun thanked Mr. Fitzgerald for his notification and explained their office has been watching House Bill 154, as has the OH Municipal League. He's received confirmation this bill will be voted on December 2 and was advised by Representative Uecker, who represents part of Loveland, that this bill will likely pass. If it does, legislation will be presented to Council in December asking for a resolution to start a county court in the City of Loveland. HB 154 and Senate Bill 252 require that all Ohio Mayors Courts be abolished January 1, 2009, replacing them with county courts. This bill will also require Council to authorize the annual salary of their magistrate and to provide the magistrate an office at City Hall. It would empower the County to hire the Mayor's Court prosecutor. A portion of the funds the City collects would be paid to Hamilton, Clermont and Warren Counties in the form of oversight fees. This new law would require recording all court sessions, which as a court of record will result in attorneys filing written motions, requiring additional legal expenses to formally respond to those written motions, rather than orally responding in court. If a resolution is not effective by January 1, he believes the City will be required to transfer jurisdiction of all their cases to Clermont County where they will take over the prosecution and collection of fines. He also asked residents who want to give their input to contact Representatives Uecker and Schneider's offices or by calling the Governor's Office at 614-466-3555. Across the board fees will be set by the State and he can find no independent authority under this law for courts to increase their local fees. Regarding the 2009 budget, Mr. Carroll explained this sounds like the City will be incurring additional expenses with decreasing revenues. In the last two fiscal years, the City's Mayor Court has operated at a minor deficit and Staff has been working on balancing their Mayor's Court budget. Mr. Zuch voiced difficulty with the State stepping on home rule and causing many communities budget difficulties when they're already dealing with tight budgets, nor should the City be punished for the miss actions of other community Mayor's Courts. He moved that Council direct a resolution be drafted as soon as possible in opposition to this bill; seconded by Mr. Osborne. Mr. Carroll suggested that unless Council wishes to hold a meeting before December 2, it would be impractical to draft the resolution for Council's consideration due to the upcoming holiday. He intends to draft letters to the Governor and the City's representatives and Council's support tonight would be helpful. Discussion ensued on action to be taken tonight. Mr. Zuch withdrew his motion and Mr. Osborne withdrew his second. Mr. Zuch moved that Administration draft a letter in opposition to House Bill 154 and Senate Bill 252 and the restrictions it puts on home rule and on the City's budget; seconded by Mr. Osborne. Mr. Fitzgerald questioned where the cases would be administered if Mayor's Courts go away. Mr. Braun felt this would put a burden on the county court system, which is already burdened in Hamilton and Clermont Counties. It also empowers urban townships to have county courts and pair with cities, which Loveland could consider to save expenses. Mr. Schickel noted this will also place a burden on residents whose cases would be sent to the county court. Mr. Braun felt it also would discourage residents from exercising their constitutional rights to defend themselves in court. The bill's current wording states cases will be transferred to the county in which the city resides and Representative Uecker will clarify how that impacts Loveland residents. Discussion ensued on exemptions noted in the bill and the requirement that urban townships have at least 15,000 residents, which would qualify Symmes, Miami and Hamilton Townships. Mr. Braun explained home rule allows cities like Loveland to govern themselves and the people who will be hurt by this bill are the residents of Loveland who will have to go to a county court and would eliminate an appellate right they have now. His understanding is the Senate will vote on the bill after next week's House vote. Discussion continued. The Mayor noted residents who come to Mayor's Court may not feel this is a community service, but he feels it really is as residents can be heard in their City and he'd hate to see the loss of that service and erosion of home rule. ROLL CALL: Osborne, yes; Schickel, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes. Motion carried.

Mr. Elliott stated today he spoke to Ms. Walsh, from HUD, who as Hamilton County's representative works closely with LI, and she communicated to him that there have been no financial issues with LI and they really do good programs, have made good progress for self-funding, and are good stewards of their finances. He questioned what would happen if other City organizations, events, business, or churches needed help and these entities did things like providing services, community support, and added value to the community and the City's support of these organizations, businesses and events didn't cost the taxpayer any money and would the City guide them through systems' intricacies, how

things work and support them so they could meet their desired end. He noted that these groups do sometimes need this assistance and asked Council to continue with this spirit of support and provide the funding for the worthwhile endeavors of the LI. He then moved to have \$36,000 for LI included in the CDBG funding cycle for the next three years; seconded by Mr. Fitzgerald. Mr. Osborne, reading from the September 26, 2006 Council minutes regarding Mr. Carroll's communication with LI, quoted him as saying, "His direction is if they try nothing and approach the City in three years to request funding again, he would strongly recommend that Council not fund them. He would like to see evidence in three years that they've taken steps to secure their own funding." He also noted Vice Mayor Schickel stated he's pleased there's an agreement and thanked Staff and LI for their efforts. Mr. Osborne noted Council has gone through this discussion, as Council voted within the last month regarding CDBG funding. Lobbying HUD as an individual may be permissible, but he's not sure if it's correct as a member of Council to go against what they've voted on. He noted that Council voted two years ago to fund \$36,000 over three years with set conditions and those conditions included public notification to Council of their meetings, which he doesn't believe they've done. Mr. Zuch stated he's not prepared to vote on this tonight and he communicated to Mr. Elliott last night that he's meeting with LI's Director next week. He's been researching this and talking to residents and those who've worked with LI and he thinks there are concerns that need to be communicated. Mr. Schickel asked, and it was confirmed, that Mr. Elliott's previous motion for LI funding was in the amount of \$18,000 over three years. Mr. Elliott commented about selectively finding it convenient to drag their feet, as he feels the time is now and it is the right thing to do to revise their recent vote. Mr. Schickel asked Mr. Elliott, if he wants his support on a motion that he's not expecting, to be contacted in advance; as he did previously, he would have voted for approval of this at the rate recommended two meetings ago. Vice Mayor Bednar asked, and Mr. Carroll confirmed, the City and LI entered into the same basic type of contract that would be entered into with anybody that does work for the City and LI has not fulfilled the terms of that contract. Mr. Zuch commented he's not engaging in any delay tactics and pointed out LI has nine months of funding remaining and to him it's more important to get this right than to get it quick. Mr. Carroll noted that Council's direction on October 25 to not apply for LI funding has been followed and he doesn't want there to be a mistaken impression that somehow Staff substituted their judgment for Council's policy direction. Mr. Osborne questioned if the motion can be presented again if it failed two meetings ago. Mr. Braun felt that procedurally this is a different motion. Mr. Osborne pointed out he misspoke at their last meeting and asked if a Council Member should abstain if he does business or makes deals on anything of value with the LI. Mayor Weisgerber felt the question should be clear on whether they receive anything of value as anybody can make a donation to a charitable organization that has value to it. Mr. Osborne referred to a previous discussion and Mr. Klaine addressed an ORC section regarding anything of value and even if it's of no value, or at cost or not at cost, that Member has to abstain. Mr. Braun stated generally that is correct, but it has to be reviewed on a case-to-case basis. The general rule is that Members of Council should not vote on matters in which they have a personal interest and broadly that is interpreted to include any type of monetary contribution or a deed of any kind. Specific concerns can be addressed to his office through the City Manager. Mr. Fitzgerald stated they'll never be able to fund all worthy causes or deal with perfect organizations, but they should guard against falling into a trap of either the Downtown or LI or employee pay raises. Mayor Weisgerber reminisced that two years ago LI had a need to find and fund a new location where they could operate and after much deliberation, Council approved submitting for \$36,000 funding because of LI's need. Since this organization is not set up to fund social services, it is best for help and support to come from the County for not only LI, but for organizations such as LIFE and others. From a broader, more comprehensive look at where Council provides support, he's not inclined to support any one organization. ROLL CALL: Schickel, no; Weisgerber, no; Zuch, no; Bednar, no; Elliott, yes; Fitzgerald, yes; Osborne, no. Motion failed.

Referencing Mr. Elliott's comments about how much money has been set aside in the 2009 budget and expressing his appreciation for the Chamber's resolution of support, Mayor Weisgerber announced there will be a public hearing at the Hamilton County Commissioners' office on December 10 to review fixing rates for sewerage services, charges, surcharges, and industrial pretreatment charges for use of sanitary and combined sewers and sewer treatment in the MSD district. Their project description quotes a 12% increase in rates for 2009 and proposed increases of 12% in both 2010 and 2011. More information is posted on MSD's website, including a \$8,000,000 maintenance project for Polk Run, though they've only funded \$600,000 of that project. He added that with a need to protect residents' fees, the City is committed to improving and managing those rates for the community. Vice Mayor Bednar noted Council and Staff have been diligent on holding water,

sanitation and storm water rate increases and MSD's increase equates to about a \$60 annual increase for the average homeowner in 2009.

**NEW BUSINESS – ORDINANCES AND RESOLUTIONS**

Mr. Osborne introduced for first reading AN ORDINANCE AMENDING CHAPTER 155 OF THE LOVELAND CODE OF ORDINANCES TO PROVIDE FOR FRINGE BENEFITS AND WORKING CONDITIONS AND OTHER SPECIAL PROVISIONS FOR PERMANENT FULL-TIME, NON-UNION EMPLOYEES OF THE CITY OF LOVELAND.

Mr. Osborne introduced A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A JOINT AGREEMENT BETWEEN HAMILTON COUNTY AND THE CITY OF LOVELAND FOR THE MAINTENANCE OF RICH ROAD. ROLL CALL: Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes. Resolution was approved and assigned the number 2008-79.

Mr. Osborne introduced RESOLUTION APPROVING THE APPOINTMENT OF MISTY CHESHIRE AS CLERK OF COUNCIL. ROLL CALL: Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes. Resolution was approved and assigned the number 2008-80.

**OTHER NEW BUSINESS**

Discussion ensued on State Route 48 north being closed last Saturday. Mr. Wright explained that due to a fracture of a railroad line, the electric line that trips the three safety crossings split causing a malfunction. He commended the Police Division's efforts in handling the traffic and explained he will be setting a meeting soon with IN and OH Railway to express the City's concerns and to discuss future protocol and items the City would like to see rectified. Chief Sabransky explained police were dispatched before 8:00 a.m. due to the gate crossings being in the down position creating a traffic backup. Due to the type of gate crossings, cars could not go around them so Officers, in an effort to facilitate traffic movement, manually raised the gate arms. As cars were being directed, one car turned into the gate arm which began to come down and the gate arm pierced the car's windshield and the passenger's window. There were no injuries and the backup stemmed from the gate crossings malfunction.

Mr. Zuch noted Hopewell Road is currently closed to through traffic. Vice Mayor Bednar announced Branch Hill Loveland Road will be closed from December 1 through January 30 for road repairs.

Mayor Weisgerber announced the Senior Citizens Academy, a program which is sponsored by the Loveland Police Division and New Hope Baptist Church to provide information on issues pertinent to seniors, will be held on December 2 and 9 at 11:00 a.m. at New Hope Baptist Church.

Mrs. Cox reminded everyone that Council's December meetings will be held on December 9 and 16, a change in schedule due to the Christmas holiday.

There being no further business, the Mayor entertained a motion to adjourn; so moved by Vice Mayor Bednar and seconded by Mr. Osborne. The motion was approved by unanimous consent and the meeting adjourned at 9:59 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk of Council