

**MINUTES OF THE REGULAR
MEETING OF LOVELAND CITY COUNCIL
Tuesday, December 9, 2008**

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

Members Present: Mayor Robert Weisgerber, Vice Mayor David Bednar, Paul Elliott, Mark Fitzgerald, Todd Osborne, Brent Zuch

Also Present: City Manager Thomas Carroll, Assistant City Manager Jeff Wright, Solicitor Frank Klaine, Clerk of Council Linda Cox; Deputy Clerk of Council Misty Cheshire; Finance Director William R. Taphorn, Assistant Finance Director Harry Steger, Assistant to the City Manager Amanda Stephany; Police Chief Tim Sabransky, Police Specialist Ray Shockey

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

Mr. Fitzgerald moved to approve the minutes of the November 25, 2008 City Council meeting; seconded by Mr. Osborne. The motion was approved by unanimous consent.

PERSONS APPEARING BEFORE COUNCIL

Mr. Carroll stated that the City of Loveland will be replacing Mrs. Cox who's been with the City for 17 years as the City Manager's Executive Assistant and Clerk of Council. The recruitment process yielded 186 applicants. From that applicant pool, the City selected Mrs. Cheshire to fill the position. Mrs. Cheshire's husband, Brian, and children, Nathaniel and Olivia, were in attendance.

Mrs. Cox congratulated Mrs. Cheshire and welcomed her family to the City of Loveland. Mrs. Cox encouraged Mrs. Cheshire to get involved in community events. Loveland is a wonderful place to live, work, and play. Mrs. Cox administered the Oath of Office to Mrs. Cheshire.

Mayor Weisgerber and Vice Mayor Bednar presented Commission, Committee, and Board members with a ceremonial one dollar gift in appreciation for their service to the community. Dave Kothman, Judy Leever, Paulette Leeper, Gary Stouder, Gary Benesh, Norman Neal, Paul Miklos, and Gabbie Rohdenburg were in attendance to receive their gift. Donna Bednar, Peggy Goodwin, and Dick Schaefer donated their gift to (LIFE) Loveland Interfaith Effort.

OPEN FORUM

No one registered to speak during the meeting.

CITY MANAGER'S REPORTS

Memorandum 109 detailed an agreement with Rivers Bend Farm, LLC for the purchase and preservation of ten (10) acres of land that is within the Loveland wellhead protection area. Vice Mayor Bednar stated the total cost for this property was \$550,000. The City will pay \$100,000 toward the purchase and the remainder will be paid with grant funds. Vice Mayor Bednar complimented Mr. Carroll and his staff for using grant funds to reduce the City's expenses. Mr. Carroll thanked Assistant City Manager Wright who prepared and submitted the grant applications.

Memorandum 110 requested that City Council reiterate its formal support of the annexation of Loveland High School. Symmes Township was not properly notified of the annexation when the annex petition was filed in October of 2008.

Memorandum 111 summarized two appropriation ordinances that establish spending limits and authorizes expenditures for the 2008 and 2009 fiscal year. Mayor Weisgerber noted that both budgets were balanced and met all of the City's fiscal policies.

COMMITTEE REPORTS

Minutes of the November 18, 2008 Loveland Beautification Committee Meeting were received and filed.

COMMUNICATIONS

Mr. Zuch referenced a communication from Duke Energy, which stated that Duke Energy would be installing plastic mains and service lines to replace the cast iron and bare steel mains and metallic service lines throughout its service territory. Mr. Zuch asked if Duke Energy would provide notice or a schedule to the City prior to the commencement of a replacement project. Mr. Carroll replied that Duke Energy and the Metropolitan Sewer District, as well as other entities that work within the City's right-of-ways, are making an effort to coordinate capital improvement projects with the City.

Vice Mayor Bednar indicated the October 2008 Permit Report, submitted by Building and Zoning Administrator Scott Young, showed that there were no new housing starts in the month of October. Mr. Carroll stated that overall the City had 21 housing starts in 2008, which was an excellent amount of housing activity in a community the size of Loveland, especially in the current economic climate. Mr. Wright noted that the City received one housing start in November and one in December. Mr. Fitzgerald stated that former Safety Director Dennis Rees was charged with creating a document outlining housing and neighborhood issues and suggested staff update and compile that information. Mr. Zuch, a mortgage ~~banker broker~~, stated that new housing starts typically fall off this time of year and will not likely pick-up until spring. The federal government **has put half of a trillion dollars** ~~is pumping money~~ into the mortgage ~~back bank~~ securities to create a better market and lower interest rates. Mr. Zuch noted that mortgage interest rates will likely approach **rates in the fours** ~~four percent~~, allowing homeowners to refinance their mortgages, which would in-turn help stimulate the economy. (REVISED 12-16-08). Mr. Carroll added that the City is trying to monitor potential warning signs in the local economy that could be detrimental to the community and the City's budget.

COUNCILMANIC WORKSHEET

Mayor Weisgerber announced that a subcommittee had been formed to revise the existing Council Rules. Mayor Weisgerber asked if the subcommittee was ready to issue their report. Mr. Zuch requested the report date be extended to the December 16th City Council Meeting to allow the subcommittee additional time to review the final recommendations.

OLD BUSINESS – ORDINANCES

Mr. Osborne introduced for second 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. ROLL CALL: Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes. Ordinance was approved and assigned the number 2008-81.

OTHER OLD BUSINESS

Mr. Elliott asked if Councilman Zuch had the opportunity to speak to representatives from the (LI) Loveland Initiative. Mr. Zuch stated that he met with their Vice President and Trustee and discussed their goals and challenges. Terrie Puckett and a business consultant with a strong background in fund-raising were also present. They tried to help the LI set goals, addressed potential issues, and tried to help them move their organization to the next level. The LI representatives seemed very receptive the overall meeting was positive. Mr. Zuch plans to meet with them again early next year.

Mr. Elliott stated that Council was within the Hamilton County Community Development Block Grant (CDBG) 30 day public commenting period. He stated that he was an advocate for the LI and appeared before the Hamilton County Commissioners on December 3rd and made the following comments: "I come before you today to advocate for Community Development Block Grant funding of the LI. The LI is a most worthy organization within the Loveland community providing much needed support and educating and assisting low income children and their families. You have already been given several first-hand accounts from recipients of the LI's work and I know that you have been contacted by the public at large encouraging continued funding of this vital organization. It should be noted that during Loveland's public hearing on CDBG funding, no one from the public spoke in favor of the City's \$250,000 request and many others spoke quite eloquently of the need to continue funding for the LI. I respectfully ask that you find a way to renew CDBG funding for the LI. There is no greater need for these funds in the Loveland community and the continued success of this organization." Mr. Elliott noted that the Hamilton County Commissioners will make their final decision for appropriations on either January 6 or January 7, 2009.

Mayor Weisgerber reported that the City has requested \$250,000 from the Hamilton County Commissioners for the purpose of job creation in Historic Downtown as part of the redevelopment efforts in Loveland. He noted that others have requested funds, which is within their rights. Mayor Weisgerber agreed that the LI is a great organization doing great work. The City's focus is to create jobs and move the development forward.

NEW BUSINESS – ORDINANCES AND RESOLUTIONS

Mr. Osborne introduced for first reading an ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH RIVERS BEND FARM, LLC, FOR THE PURCHASE OF APPROXIMATELY TEN ACRES OF LAND TO BE PRESERVED AS OPEN SPACE IN PERPETUITY.

Mr. Osborne introduced for first reading an ORDINANCE SETTING FORTH AND AUTHORIZING APPROPRIATIONS FOR THE 2009 FISCAL YEAR.

Mr. Osborne introduced for first reading an ORDINANCE SETTING FORTH AND AUTHORIZING AMENDMENTS TO APPROPRIATIONS FOR THE 2008 FISCAL YEAR. Mr. Osborne asked the City Manager to provide an explanation of the two appropriation ordinances. Mr. Carroll stated that one of the most important functions City Council has is to control the budget and control the people's purse strings. The appropriation ordinance gives the City legal authority to expend funds. The 2009 budget is balanced and is significantly tighter than in the past. The budget involves no rate increases for water, sanitation or storm water. He noted that the Hamilton County Commissioners will raise sewer rates in 2009 by twelve percent. City Manager Carroll said that the 2008 appropriation ordinance is an amendment to the 2008 Fiscal Year ordinance and is basically a housekeeping issue. Throughout the year there are a number of positive and negative changes on the ledger and this ordinance cleans the books at the end of the year to give legal authority to spend authorized appropriations. Mayor Weisgerber added that the Finance Committee had spent a lot of time reviewing the budget with staff and determining how to hold a balance budget. He noted that the Finance Committee meetings were open to the public and the budget was available on the City's website.

Mr. Osborne introduced a RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE ADVANCE PAYMENTS OF TAXES. ROLL CALL: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes. Resolution was approved and assigned the number 2008-82.

Mr. Osborne introduced a RESOLUTION SET FORTH SERVICES THAT WILL BE PROVIDED BY THE CITY OF LOVELAND TO THE RESIDENTS OF REAL PROPERTY LOCATED IN SYMMES TOWNSHIP, HAMILTON COUNTY IF SUCH AREA IS ANNEXED TO THE CITY OF LOVELAND, AND STATING AN APPROXIMATE DATE BY WHICH SUCH SERVICES WILL BE AVAILABLE IF ANNEXED. Mr. Osborne read from Memorandum 110: "Regrettably, Symmes Township has advised the attorney handling the annexation matter that they are unwilling to waive the requirements of proper service to the Township. This is well within their rights, but accomplishes nothing other than delaying the inevitable annexation of the Loveland High School." Mr. Osborne then recited a phrase heard on television "C'mon Man." Vice Mayor Bednar stated that Council adopted a resolution a few weeks ago regarding street maintenance with the County Engineer, he asked if the resolution had to be redone. Mr. Carroll confirmed that the resolution had been adopted and did not need to be re-submitted to Council. Mr. Klaine stated that the street maintenance agreement had been finalized. Mr. Fitzgerald asked if the notification was a legal requirement. Mr. Klaine stated that a statute requires that a copy of the annexation petition be served to Symmes Township. Mr. Fitzgerald stated that the purpose of the notice is to make the Township aware of the application. He stated this matter has been highly publicized and it seems the Township is failing to extend a courtesy. The City recently extended a courtesy to Symmes Township by altering a policy requiring a pre-annexation agreement for the extension of water services for the unincorporated area. Mr. Fitzgerald repeated Mr. Osborne's comment "C'mon Man." ROLL CALL: Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes. Resolution was approved and assigned the number 2008-83.

Mr. Osborne introduced a RESOLUTION AS TO INCOMPATIBLE LAND USES AND ZONING BUFFER-PROPERTY PROPOSED TO BE ANNEXED TO THE CITY OF LOVELAND, OHIO, FROM SYMMES TOWNSHIP, HAMILTON COUNTY. ROLL CALL: Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. Resolution was approved and assigned the number 2008-84.

The Mayor entertained a motion to amend the agenda to include a resolution opposing Senate Bill 252 and House Bill 154, which pertains to the elimination of Mayor's Courts, so moved by Vice Mayor Bednar, seconded by Mr. Zuch. The motion was approved following a roll call vote: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes.

Mr. Osborne introduced a RESOLUTION OPPOSING SENATE BILL 252 AND HOUSE BILL 154 AND THE NEGATIVE IMPACT IT WILL HAVE ON MAYOR'S COURTS IN THE STATE OF OHIO. Mr. Fitzgerald recognized the responsiveness and firm opposition Representative Michelle Schneider had articulated and it was unfortunate that Mrs. Schneider had been term limited out of office. This Bill would drive up costs and provide an inconvenience to the community. He hoped that the majority of Mrs. Schneider's colleagues would come around to see her correct way of thinking. ROLL CALL: Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. Resolution was approved and assigned the number 2008-85.

OTHER NEW BUSINESS

Mr. Elliott recognized students from Moeller High School Government AP class that were in attendance to complete a report. Mr. Elliott stated that he was glad to see the gentlemen in the audience and referenced a quote he recently discovered in his son's memorabilia: "In the matters of style swim with the current, in matters of principle stand like a rock" by Thomas Jefferson.

Mr. Fitzgerald addressed the ICRC employees in attendance stating that two different people told him that the last televised Council Meeting's audio was unclear.

Referencing Senate Bill 252 and House Bill 154, Mayor Weisgerber asked staff to research communities similar to Loveland, being situated in multiple counties, and determine if there could be a "Loveland Jurisdiction" or will residents be required to report to the various counties according to their residence. Mr. Klaine stated that the current Bill is over 200 pages long and does not clearly address this issue. Mr. Klaine stated that several other issues in the Bill are also unclear and he will continue to monitor the legislation.

Mayor Weisgerber announced that the next City Council meeting would be held on Tuesday, December 16, 2008.

Mr. Osborne noted that Christmas in Loveland will be held on Saturday, December 20th from 4 p.m. to 9 p.m.

The Mayor entertained a motion to adjourn; so moved by Mr. Elliott and seconded by Vice Mayor Bednar. The motion was approved by unanimous consent and the meeting adjourned at 8:59 p.m.

Robert Weisgerber, Mayor

Linda Cox, Clerk of Council