

**MINUTES OF THE REGULAR
MEETING OF LOVELAND CITY COUNCIL
Tuesday, December 16, 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; 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 Joseph Schickel; so moved by Vice Mayor Bednar and seconded by Mr. Elliott. The motion was approved by unanimous consent. Mr. Schickel arrived at 8:10 p.m. and left at 9:20 p.m.

Mr. Zuch noted the following corrections to the December 9, 2008 City Council minutes. Page 2, paragraph 2, line 8, should read as follows: 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. Mr. Elliott moved to approve the suggested amendments, seconded by Vice Mayor Bednar. The motion was approved by unanimous consent. Vice Mayor Bednar moved to approve the amended minutes of the December 9, 2008 City Council Meeting minutes, seconded by Mr. Elliott. The amended minutes were unanimously approved.

PERSONS APPEARING BEFORE COUNCIL

Mayor Weisgerber stated that the City of Loveland was recently featured on FOX 19 Great Lifestyles, which highlights different communities. A video of the segment was played during the meeting. Mr. Carroll stated that the video will be posted on the City website.

OPEN FORUM

No one registered to speak during the meeting.

CITY MANAGER'S REPORTS

Memorandum 112 identified a number of older staff vehicles that were no longer cost effective to operate and retain. The ordinance before Council would authorize the disposal of these vehicles through an on-line auction. Mayor Weisgerber asked if there would be a reserve on the vehicles. Mr. Carroll replied that he would check with Hamilton County and believed the City could specify the minimum bid amount for each vehicle.

Memorandum 113 proposed scheduling a City Council Goal Setting session on Saturday, February 7, 2009. The goal setting session would identify the City's challenges and prioritize goals. Mr. Fitzgerald moved to schedule a City Council Goal Setting session on Saturday, February 7, 2009 at the JoAnn Richardson House beginning at 8 a.m., seconded by Mr. Osborne. ROLL CALL: Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes. Osborne, Yes. The motion was unanimously approved.

Memorandum 114 summarized the results of the Water System Master Plan's preliminary findings. The plan studied Loveland's water generation and distribution systems, fire flows, and the financial health of the water funds. The water model demonstrated the need for an additional elevated tank on the west side of the City. Mr. Zuch asked if the City was suggesting that a third water tank was needed specifically for the backup and maintenance of the Commerce Park water tank. Mr. Carroll stated that the proposed 500,000-gallon elevated tank would provide adequate fire flow and service levels if a significant fire occurred on the west side of Loveland. Mr. Carroll stated that Council didn't

need to take action at this time, the information was provided as background information as the City continues to explore this project. While Mr. Zuch agreed that delaying maintenance on the Commerce Park water tank would only increase repair costs, he encouraged staff to seek other options. Mr. Fitzgerald requested Council be provided more engineering data prior to the February Goal session. Mr. Carroll stated that he would prepare a report for January 27, 2009 City Council Meeting. Council directed this item be added to the Councilmanic Worksheet. Mayor Weisgerber stated that it was important for Council to understand the implications of the Hamilton County contract and the need for the proposed tank going forward. The Mayor said that he would be interested in alternative solutions, such as installing a system that would sense line pressure and have pumps available to guarantee sufficient volume and capacity for fire flow similar to the SCADA system, which senses tank levels. If built, Mr. Osborne suggested the City consider using the tower to attract communication companies, generating revenues, that could utilize the existing tower rather than installing additional monopoles in the City.

COMMITTEE REPORTS

Mayor Weisgerber entertained a motion to reappoint Ed Brueggeman to the Planning and Zoning Commission for a three year term; Joe Ciaramitaro to the Tax Board of Review for a three year term; and Norman Neal to the Board of Zoning Appeals for a four year term, so moved by Vice Mayor Bednar, seconded by Mr. Fitzgerald. Mr. Elliott moved to amend the motion and take individual votes for each candidate. The motion died for lack of a second. Mr. Elliott stated that he would not be supporting Ed Brueggeman for the Planning and Zoning Commission position. Mr. Zuch, Mr. Fitzgerald, Mayor Weisgerber, and Mr. Schickel, spoke in favor of Mr. Brueggeman's reappointment. ROLL CALL: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, No; Fitzgerald, Yes; Osborne, Yes; Schickel, Yes. The motion carried with a vote of 6-1.

COMMUNICATIONS

Mr. Klaine announced that a version of the Mayor's Court Bill was passed by the Senate on Friday, 12th. The final Bill was condensed from 200 pages to 9 pages and combined with a Bill that dealt with prison issues. He stated that a two subject bill always has constitutional problems. The Ohio Municipal League informed him that the final version of the Bill would only abolish Mayor's Court in villages with less than 200 people or in cities with more than 45,000 people.

Mr. Zuch announced that Senator George V. Voinovich would be holding constituent hours on December 17, 2009 from 3 p.m. to 4 p.m. at the Clermont County Courthouse.

Mr. Carroll announced that he received a call from Governor Strickland's office earlier today providing the City with a positive response to the City's concerns about the Mayor's Court Bill.

COUNCILMANIC WORKSHEET

Mayor Weisgerber asked if the Subcommittee, who was formed to revise the existing Council Rules, was ready to issue their report. Mr. Zuch advised Council that the report had been finalized and would be submitted to City Council for adoption at the January 13, 2009 City Council Meeting. Mayor Weisgerber directed staff to remove this item from the Councilmanic Worksheet. Mr. Klaine requested that he be provided a copy of the Council Rules prior to the January 13th meeting.

OLD BUSINESS – ORDINANCES

Mr. Osborne introduced for second 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. ROLL CALL: Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes. Ordinance was approved and assigned the number 2008-86.

Mr. Osborne introduced an ORDINANCE SETTING FORTH AND AUTHORIZING APPROPRIATIONS FOR THE 2009 FISCAL YEAR for second reading. Mr. Elliott asked if this ordinance would approve the 2009 Budget. Mayor Weisgerber concurred. Mr. Elliott stated that he would be voting against this ordinance because it lacked funding for the Loveland Initiative (LI) and an absorbent amount of legal fees were budgeted for 2009. ROLL CALL: Elliott, No; Fitzgerald, Yes; Osborne, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. Ordinance was approved by a 6-1 vote and assigned the number 2008-87.

Mr. Osborne introduced an ORDINANCE SETTING FORTH AND AUTHORIZING AMENDMENTS TO APPROPRIATIONS FOR THE 2008 FISCAL YEAR for second reading. ROLL CALL: Fitzgerald, Yes; Osborne, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes. Ordinance was approved and assigned the number 2008-88.

OTHER OLD BUSINESS

Mr. Elliott moved that the City of Loveland ask the Hamilton County Commissioners to consider the Loveland Initiative's (LI) request for Community Development Block Grant (CDBG) funding in 2009, 2010, and 2011, seconded by Mr. Fitzgerald for discussion. Council discussed the amount of the LI grant request, which totaled \$18,000 over a three year period according to Mr. Elliott. Mr. Osborne stated that this issue had been before Council at least three times in the past and questioned if Council was permitted to bring this issue up again. Mr. Klaine stated that a motion could be brought back to Council numerous times.

Discussion ensued about the potential of jeopardizing the City's CDGB grant request for the Downtown Job Creation and Revitalization Project if Council sent mixed messages to the Hamilton County Commissioners. City Council's goal was to see LI become a self sustaining organization.

Mr. Fitzgerald stated that the motion on the floor addressed two issues: (1) the opportunity to support the City Manager and back up the recommendation that he made to the County Commissioners at the public hearing; (2) the opportunity to reiterate the fact that the LI program serves not only residents, citizens and constituents of the City of Loveland and knows no geographic boundaries. Consequently, this would then make them a county-wide project. Based upon those issues, he supported the motion.

Vice Mayor Bednar noted that Council awarded LI funds for a three year period as a stop-gap measure. During this time they were to get settled in a new location and develop a plan to become self sufficient. Vice Mayor Bednar made comparisons between LI and LIFE, which is a self sustaining organization. Mr. Osborne stated that the LI needs leadership and guidance to obtain sustainability. If Council decides to support LI, he would like to see it as a matching fund that would involve the community. Mr. Osborne noted that the LI Board Members were receiving benefits and he didn't feel comfortable with that. Three years ago the funds were awarded to help the LI, now the funds would be enabling them. He stated that he would not support the motion.

Mr. Zuch stated that there was a spirit of cooperation between Council and LI. If the City could work with LI to address the concerns such as resolving existing contract matters, showing budgets, showing business plans as to how they are going to work toward self sustainable. Mr. Zuch moved to table this item until more information became available, seconded by Mr. Osborne. ROLL CALL: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, No; Fitzgerald, No; Osborne, Yes; Schickel, Yes. The motion carried by a vote of 5-2.

Mr. Zuch moved to create an ad hoc committee from the Finance Committee with the mission to communicate and work with the LI to address and understand and make recommendations regarding their budget, seconded by Mr. Osborne.

Mr. Elliott stated that the funds that Council has been talking about are federal funds and these funds are not the City of Loveland's funds, they pass through the City of Loveland. They do not belong to Hamilton County and they don't belong to the City of Loveland, although there may be oversight capacity with both organizations. He stated that he would not support Mr. Zuch's motion and opposed any sort of outside "we know better than you" type advice and guidance because that was not what the LI was about.

Mr. Zuch stated that he was unsure why anyone would turn down expertise and assistance. He stated that it was presumptuous of Mr. Elliott to assume that the LI would not embrace outside assistance and expertise.

Mayor Weisgerber stated that he and Mr. Zuch had a conversation about this matter and in his opinion LI is a good organization. The City tried to help LI three years ago to bridge their immediate need for a location to keep their programming. One of the key elements of the agreements was for them to become self-sufficient. Mayor Weisgerber stated that he was not willing to provide funding or support for funding to an organization in which the City would be an enabler or to an organization that is not

being cost conscious about their funding or trying to be self sufficient. He agreed to support the ad hoc committee with the condition that the LI wanted to work with them. ROLL CALL: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, No; Fitzgerald, Yes; Osborne, Yes; Schickel, Yes. The motion carried with a vote of 6-1.

Mr. Zuch requested that City staff contact the LI regarding their concerns and perhaps try to work with them in the spirit of cooperation. Mr. Carroll stated that Assistant City Manager Wright was the principal liaison to the LI and he reviews their monthly bills to make sure the CDGB funds are properly spent and accounted for. Mr. Carroll stated that City staff welcomed the opportunity to meet with LI to see what assistance the City can provide and to once again communicate the expectations that were agreed to in the existing contract.

Mr. Elliott stated that City Council's behavior reminded him of Ebenezer Scrooge in *A Christmas Carol* when it came to the recent million dollar purchase and demolition of the Rolke Feed and Seed business for the Downtown Job Creation and Revitalization Project and the lack of support by at least four Council Members for continue support of the LI. He hoped that the Hamilton County Commissioners will listen to the public support of LI.

NEW BUSINESS – ORDINANCES AND RESOLUTIONS

Mr. Osborne introduced for first reading an ORDINANCE AUTHORIZING THE SALE AND DISPOSAL OF SEVERAL FIRE AND EMS STAFF VEHICLES NO LONGER NEEDED FOR MUNICIPAL PURPOSES THROUGH THE HAMILTON COUNTY SURPLUS ASSET PROGRAM.

Mr. Osborne introduced a RESOLUTION DECLARING DECEMBER 2008 AS NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH IN THE CITY OF LOVELAND. ROLL CALL: Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes. Resolution was approved and assigned the number 2008-89.

Mr. Osborne introduced a RESOLUTION CONSENTING TO ANNEXATION BY THE BOARD OF EDUCATION OF THE LOVELAND CITY SCHOOL DISTRICT. ROLL CALL: Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. Resolution was approved and assigned the number 2008-90.

OTHER NEW BUSINESS

Mr. Carroll noted that the City would be issuing a press release later this week to remind residents that their trash service would be interrupted due to Christmas and New Years Day. Residents that receive trash service on Thursday and Friday will be delayed one day.

Mayor Weisgerber announced that Christmas in Loveland would be held this Saturday, December 20th from 4 p.m. to 9 p.m. in Historic Downtown Loveland. He wished everyone a Merry Christmas, Happy New Year and Happy Holiday season. He stated that a strong community is rooted by family values and this time of year was a great time to spend time with the family.

Vice Mayor Bednar moved to adjourn to Executive Session under Ohio Revised Code Section 121.22(G) (1), Personnel; Section 121.22(G) (2), Purchase or Sale of Property; and Section 121.22(G)(3), Pending or Imminent Litigation, seconded by Mr. Osborne. ROLL CALL: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. Council adjourned to Executive Session at 9:26 p.m. Vice Mayor Bednar moved to adjourn from Executive Session, seconded by Mr. Zuch. The motion carried by unanimous consent.

The meeting reconvened at 10:19 p.m. The Mayor entertained a motion to adjourn; so moved by Mr. Osborne and seconded by Mr. Fitzgerald. The motion was approved by unanimous consent and the meeting adjourned at 10:19 p.m.

Robert Weisgerber, Mayor

Linda Cox, Clerk of Council