

**LOVELAND CITY COUNCIL  
REGULAR MEETING MINUTES  
Tuesday, January 26, 2010**

**Call to Order &  
Pledge of Allegiance**

Mayor Weisgerber called the meeting of the Loveland City Council to order at 8:01 p.m. The Pledge of Allegiance was recited.

**Roll Call**

Council Members Present: Vice Mayor David Bednar, Linda Cox, Paul Elliott, Mark Fitzgerald, Mayor Robert Weisgerber, Todd Osborne and Brenton Zuch.

**Recognition of Audience  
Members**

Also Present: City Manager Thomas Carroll, Solicitor Frank Klaine, Clerk of Council Misty Cheshire, Acting Finance Director Harry Steger, Police Chief Tim Sabransky, Captain Sean Rahe, Police Specialist Ray Shockey, City Engineer Cindy Klopfenstein, Assistant to the City Manager Amanda Stephany, Officer Jose Alejandro, Officer Kurk Begue, Sergeant Tim Wilmes, Sergeant Hugh Bomske, Burgess and Niple Consulting Engineer Steve Smith.

**Persons appearing  
Before Council  
Sgt. Bomske Recognition**

Chief Tim Sabransky presented a certificate of achievement to Sergeant Hugh Bomske who received his Masters Degree in Public Administration from Northern Kentucky University. He acknowledged the hard work Sergeant Bomske put into earning his degree noting that he was able to complete the graduate program in two years while he juggled his family responsibilities, his job, an eight month tour as Deputy Chief, and coaching basketball. Chief Sabransky thanked Council and the City Manager for investing in employees.

Sergeant Bomske thanked his family, Chief Sabransky, Tom Carroll, and City Council for supporting him during this process.

**Joshua Howard & Larry  
Reisenberg**

Joshua Howard, Director of the Sycamore Senior Center, and Larry Reisenberg, Volunteer and Member of the Center, summarized the Center's services and programs. Mr. Howard provided City Council with a packet of information and encouraged the City to contact him to discuss possible partnerships with the City and the Senior Center. Mr. Howard noted that he planned to meet with the Loveland Senior Citizen's Committee in February.

**Open Forum**

No one registered to speak during the open forum portion of the meeting.

**Approval of Minutes**

Mrs. Cox moved to approve the minutes of the January 12, 2010, City Council Meeting, seconded by Mr. Osborne. Roll Call: Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion carried.

**City Manager's Reports  
& Memorandums  
Memorandum 3  
Residential Sidewalk  
Repairs in 2010**

Following the Loveland Heights neighborhood meeting on August 20, 2009, the City Engineer began a thorough inspection of sidewalk conditions in the North and Mid-Heights. This memorandum discussed the options property owners have to repair sidewalks in Loveland, which include fixing it themselves, taking advantage of the sidewalk assistance program, and possibly having a special assessment levied.

Mr. Fitzgerald recommended Council add the third option which provides property owners the ability to assess this expense. He stated that he would like to see the proposed sidewalk between Karl Brown Way and the bike trail come to fruition.

Mr. Zuch encouraged staff to bring forward legislation to allow the assessment option. He agreed that the sidewalk referenced by Mr. Fitzgerald could enhance business development.

Mr. Osborne also supported the assessment option. He added that he would like the sidewalks on Bellwood to be finished, east of Cherokee.

Vice Mayor Bednar asked if the City had guidelines available for home owners that wanted to do the sidewalk improvements themselves. Mrs. Klopfenstein stated that she has a standard detail that is available to all property owners. Vice Mayor Bednar asked if the contractors had to register with the City prior to completing the improvements. Mrs. Klopfenstein replied that all contractors are required to fill out a right-of-way permit but she didn't have a registration process.

Mr. Carroll added that the City asks residents to get more than one quote prior to making the improvements so the City can verify the homeowner received a competitive rate, before the 50% reimbursement is granted. He stated that the City would be able to provide residents with a benchmark for the cost of sidewalk improvements. In order to receive a reimbursement, the property owner must complete a one page form, fill out right-of-way applications, obtain permits, submit at least two estimates, inspections must have occurred, and they must provide a receipt showing the contractor has been paid in full.

Mrs. Klopfenstein estimated that the sidewalk improvements would range between \$4 and \$10 per square foot depending upon the amount of improvements made.

Mr. Zuch asked if the City could bundle the improvements to get a lower price and make the project more attractive to a contractor. Mrs. Klopfenstein stated that it could provide for a lower rate but the City would be above the prevailing wage threshold and the labor rate would increase.

Mayor Weisgerber stated that the City could actually bid the project. Mr. Carroll stated that he would meet with Larry Moreland, Scott Wisby, and Mrs. Klopfenstein to determine if bidding this project would be beneficial. The City could then potentially provide property owners with a list of contractors that have been through a bidding process.

Mr. Fitzgerald stated that requiring sidewalk improvements is an enforcement action by the City and the City has put in place two mechanisms to provide for an incentive for the improvements, such as the 50% reimbursement. He thought it was wise to add the assessment option for property owners that are unwilling to contract the project on their own or investors may want to see the cost amortized over time. He stated that it was good to be cooperative but getting into a creative facilitation of the process is overburdening the project; this property maintenance issue is safety driven.

Mrs. Cox asked if the residents of the Heights requested the City to complete the sidewalks on Bellwood during the neighborhood meeting. Mr. Carroll stated that to his knowledge it was not brought up during the meeting and would have to study this issue. Mr. Osborne stated that the lack of sidewalks on this section of roadway creates a safety hazard and should have been completed 45 years ago when the subdivision was built. A similar situation exists on Durango. Mrs. Cox expressed concerns about requiring the residents on Bellwood to complete the improvements in this economy.

Mr. Elliott asked who was responsible for the installing sidewalks, the City or the developer. Mayor Weisgerber noted that sidewalks would be part of the development plan and would be the developer's responsibility. Mr. Carroll added that the subdivision regulations allow for sidewalks on both sides of the street. A special planning district has more flexibility. Sidewalks may exist on one side of the

street or not at all. He noted that there are occasions when the City does install sidewalks such as the Rich Road project when the City partnered with Hamilton County to install sidewalks to the High School.

Mrs. Klopfenstein stated that she attended the neighborhood meeting in the Heights and didn't recall discussion about completing sidewalks on Bellwood. However, she was contacted by one resident on Bellwood asking if the City would install sidewalks. She explained that the City didn't have a sidewalk program and provided the resident with information about the City's Neighborhood Grant Program.

Mr. Fitzgerald pointed out that the discussion had gravitated from maintenance to capital improvements. He suggested the City post information on the website and place an article in an upcoming newsletter to explain how the petition process works, which allows a group of property owners to band together and petition to assess themselves to extend sidewalks.

Memorandum 4  
Councilmanic Worksheet

This memorandum provided status updates on four issues on the Councilmanic worksheet: the quarterly financial report, the 2010 Flower Show, the conversion to the Regional Income Tax Agency, and the crosswalk at Lebanon Road and Preakness/Arcaro.

Mr. Osborne asked if there had been any discussion about the 2010 Flower Show. He suggested that staff invite all parties to a meeting to discuss the event.

Mr. Zuch referenced the crosswalks at Lebanon Road and Preakness/Arcaro. He stated that sometimes it is difficult to cross the road in this area. He thought moving the crosswalk would be helpful, which was one option recommended by Burgess and Niple.

Mr. Carroll stated that concerns were raised by a resident that walks his grandchildren across the intersection to the get to the Middle School. The resident also brought forward a solution but unfortunately the traffic code is not compatible with his suggestion. About three years ago, the City conducted a traffic study on this intersection to determine if a traffic signal is warranted and it was not. He stated that the City has the option of doing nothing, installing push button signalization, or realigning the crosswalks.

Mr. Fitzgerald stated that the initial request was to install a small sign that says "stop for pedestrians in crosswalks, state law" This sign was deemed illegal. He noted there was a sign in front of the Loveland Early Childhood Center (LECC formerly Lloyd Mann Elementary) that says "stop in the crosswalk." Mr. Zuch stated that operating outside the traffic code standards would impact the City's liability if an incident occurred. Staff will examine the sign in front of LECC Mr. Fitzgerald referenced and if it is non-compliant, it will be removed.

Mr. Osborne referenced a crosswalk in the City of Montgomery that was automatic and asked how the cost of that mechanism compared to the push button signal mentioned in the study. Mr. Carroll stated that he would research the cost and application of the automatic signal. Mayor Weisgerber expressed concerns about installing a potentially very expensive solution with little to no safety gain, should the signal malfunction.

At Mr. Elliott's request, Mr. Carroll identified other crosswalks in Loveland that are not signalized and discussed how they differed from the crosswalk on Lebanon Road. He noted that the most dangerous crosswalk in the City would be the one

located in front of LECC, but it is not heavily traversed. Mr. Carroll stated that the City wants to improve safety with the most economical solution that complies with the traffic code. Mr. Elliott asked if there was a simple, economic, and compliant solution for the Lebanon Road crosswalk. Mr. Carroll replied that studies and conversations have determined that there isn't a simple solution to improve the Lebanon crosswalk.

Mr. Fitzgerald stated that he was disappointed that the City had gone to such great efforts to find reasons not to take the residents simple, relatively inexpensive solution, which is being applied in many other jurisdictions. He stated that the City has approached this problem in reverse, the City should have begun with the simple solution first, monitored it, and if it didn't work circle back and hire outside consultants for additional evaluations. Mr. Fitzgerald asked Mr. Klaine if the City would have basis for defending itself in court if someone was hurt because the City utilized a solution, based upon precedent seen elsewhere. He added that the City could never get to a zero percent risk factor. Mr. Klaine stated that in this instance he would review sovereign immunity issues and the state guidelines for signage. He offered to defer Mr. Fitzgerald's question.

Mrs. Cox asked if Mr. Klaine should review the precedent of other communities using the same sign. Mr. Klaine stated the actions of another community should not be precedent for what the City does or does not do. It may show an indication as to how they tried to solve a problem or the risks they were willing to take.

Mrs. Cox referenced one of the recommendations from Burgess and Niple which recommended "the City review the placement of trees and low level landscaping and permanently remove trees within the required site distance line and plant only low level landscaping within the required site distance line." Mrs. Cox then asked what trees would need to be removed to comply with the recommendation. Steve Smith, Burgess and Niple, referenced the drawing provided to Council in their packet and identified the site line and the trees that would need to be removed.

Mr. Elliott asked if the line of site affected both pedestrians and motorists. Mr. Smith concurred that the line of site affected both parties. Discussion continued about the site distance and landscaping in the islands on Lebanon Road.

Memorandum 5  
Preliminary Field  
Assignment Analysis

This report provided a preliminary analysis of which entities—public and private—provided fields to various recreation leagues in 2009 based on an audit of field schedules provided by the leagues. This report is the next step in an overall review of the community's method of providing for active recreation.

Mr. Elliott referenced the December 14, 2009, Recreation Board minutes which included a motion to not allow spring sports to use Loveland City fields until they provide the data requested by the Recreation Board. The motion didn't include a vote. Mr. Elliott asked if the Board voted on this motion and if it passed. Mr. Carroll stated that he was at the December 14<sup>th</sup> meeting and the motion passed unanimously. Mr. Osborne noted that the Recreation Board met on January 25<sup>th</sup> and were of the same opinion; the leagues must provide this information in order to use the City's fields.

Mr. Elliott requested the status of the reports from the leagues. Vice Mayor Bednar stated that the Recreation Board is trying to compile information to analyze a pay-to-play program as requested by City Council. He stated that the Board needed more information from select soccer and la crosse. Mr. Carroll noted that the data analysis should be completed within the next month and would give the

**Committee Reports**  
Board Minutes

City time to share the information with the leagues to ensure the City is accurately interpreting their schedules.

Mr. Elliott requested that all board, committee, and commission minutes include information acknowledging who prepared the minutes.

Mr. Elliott referenced the November 16, 2009, Planning and Zoning Commission minutes, page 6, which states "Mr. Kressler stated that there is an open area on W. Loveland at Second Street where people could cross the proposed development to the existing downtown district by only having to cross one direction of traffic." He asked someone to explain that statement because it sounded as if Mr. Kressler was referring to a one-way street. Mayor Weisgerber stated that Mr. Kressler could have been referencing the entrance into the parking lot off of W. Loveland Avenue but he wasn't exactly sure what Mr. Kressler was referring to.

Mr. Elliott then directed his attention to page 7, paragraph 5, of the same minutes, which stated "Mr. Wright stated that traffic volume and parking demand is a good problem to have. There are almost 21,000 cars a day that cross over the bridge and that is more than double the traffic on Loveland Madeira Road." He asked staff to confirm that statement. Mrs. Klopfenstein stated that she set up traffic counters for a one week period on the Paxton Bridge and the daily average was almost 21,000 per day. Mrs. Klopfenstein noted that the traffic count on Loveland Madeira Road was completed by Chad Ingle and offered to update the traffic study if Council desired. Mr. Elliott asked if Historic Downtown Loveland had become a pass through or a destination area or a combination of both.

Mayor Weisgerber pointed out that there were only a few places to cross the Little Miami River. He stated that a lot of buying power goes through downtown Loveland, which identifies opportunities. He noted that Loveland Avenue was reduced from four lanes to two lanes to slow traffic speed, to improve safety and let motorists see what Loveland has to offer.

Mr. Elliott referenced page 7, paragraph 6, where Mrs. Leeper, Executive Director of the Loveland Chamber of Commerce states "she feels that those community dollars are being well spent because the membership directory gets distributed free of charge and the City of Loveland supports that marketing effort by purchasing the back page ad." Mr. Elliott asked if the City was still purchasing the back page advertisement on the membership directory. Mr. Carroll replied that the City stopped sponsoring the Chamber Golf Outing in 2009. He viewed the advertisement as direct marketing dollars for the City.

**Communications**  
Rockwood Award

Mr. Zuch suggested the Louis G. Rockwood Business Enhancement Award vote be changed to a point system rather than an all or nothing vote. Mayor Weisgerber stated that he would consider Mr. Zuch's idea once the nominations were submitted. He reminded Council that nominations were due by the next Council meeting.

Congratulation to Staff

Mrs. Cox drew attention to a letter from Daniel Molina that used the words professionalism, courtesy, the spirit of willingness to help when referencing Utility Clerk Cynthia Tait and Public Works Employees Kevin Moreland and Bill Eubanks. Mrs. Cox also congratulated Eva Parker and other City Hall employees for organizing the L.I.F.E. Food Pantry donation bin at City Hall.

Mr. Zuch stated that Loveland has a very professional staff and it's nice when residents or businesses point that out.

**Review of Councilmanic  
Worksheet  
Financial Report  
RITA**

The approval of the quarterly financial report was deferred to the February 9, 2010 meeting.

Mr. Steger noted that Lori Gischell from RITA would be conducting a training session with the Tax Department in February. Mayor Weisgerber asked if RITA sent a notice to residents to inform them that income taxes would now be processed by RITA. Mr. Steger stated that RITA had sent letters in November introducing themselves and sent tax forms out in January. Mayor Weisgerber stated that he was aware of township resident, with a Loveland zip code, receiving a letter from RITA. Mr. Steger stated that the City has been and will continue to clean up its database.

Vice Mayor Bednar noted that the City Hall lobby now contains two computer monitors and keyboards. He asked if residents would use the computers for income tax customer assistance. Mr. Steger noted that when the computers were completely set up residents will be able to file their income taxes online with RITA, make online utility payments, and the system will include general information for the public such as Council packets. Mr. Carroll pointed out that Council packets are available on the City's website. He added that the City would be launching a new website on Friday.

Vice Mayor Bednar asked if credit card payments to RITA would be processed as a cash advance or credit purchase. Mr. Steger stated that customers can select either a credit card or debit method. RITA will not accept cash advances.

Mr. Zuch asked if RITA used PayPal or have they interfaced with Turbo Tax. Mr. Steger replied that RITA didn't use the PayPal service and had not made agreements with Turbo Tax to date.

Mr. Elliott asked if RITA had quarterly tax payment information. Mr. Steger stated that nearly all of the City's information has been transferred to RITA, including quarterly tax information.

The next update on income tax contractual services will occur on March 9, 2010.

**Flower Show**

Mr. Carroll anticipated contact with the Flower Show in the near term. He stated that the City plans to close Lindenhall Drive during the event and has been in contact with the Chamber to help with marketing for Loveland based businesses. Mr. Osborne suggested the City invite Symmes Township Trustees to a meeting to discuss the Flower Show and other topics. Mayor Weisgerber stated that he has been in contact with Mr. Bryant and would follow up with elected officials in Symmes Township. Mr. Zuch suggested the City offer a time for the Chamber and local businesses to meet and determine how to take advantage of the Flower Show opportunity. The next Flower Show update will occur on February 23, 2010.

**Lebanon Road Crosswalk  
Preakness/Arcaro**

The next update on the crosswalk at Lebanon Road at Preakness/Arcaro will occur on February 23, 2010.

**Old Business  
Ordinance 2010-07  
Utility Assessments for  
Hamilton County**

Mr. Osborne introduced for second reading an ordinance assessing liens for unpaid utility bills on property in Hamilton County owed to the City of Loveland.

The Clerk supplied Council with a new Exhibit A, which removed the proposed assessment for 57 Highridge. Mrs. Cheshire noted that the owners of this property have made arrangements with the Utility Department to pay the owed utilities.

Mrs. Cox moved to delete the proposed assessment for 57 Highridge, seconded Mr. Osborne. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes. The motion unanimously carried.

There being no further discussion, a roll call vote was taken on the ordinance and amended exhibit: Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, No. The motion carried with a vote of 6-1, adopting Ordinance 2010-07.

Ordinance 2010-08  
Utility Assessments for  
Clermont County

Mr. Osborne introduced for second reading an ordinance assessing liens for unpaid utility bills on property in Clermont County owed to the City of Loveland. There was no further discussion. Roll Call: Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, No; Fitzgerald, Yes. The motion carried with a vote of 6-1, adopting Ordinance 2010-08.

Ordinance 2010-09  
Property Maintenance  
Assessments for Hamilton  
County

Mr. Osborne introduced for second reading an ordinance assessing liens for weed cutting, debris removal or miscellaneous bills for property in Hamilton County owed to the City of Loveland.

Mr. Elliott noted that Hamilton County charges 3% in interest for the assessments. He asked if Clermont County charged an interest fee. Mrs. Cox noted that Hamilton County requires the 3% interest wording on the legislation. They also require the utility and property maintenance assessments to be separated into two pieces of legislation because of their computer system.

Roll Call: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, No; Fitzgerald, Yes; Osborne, Yes. The motion carried with a vote of 6-1, adopting Ordinance 2010-09.

Ordinance 2010-10  
Property Maintenance  
Assessments for Clermont  
County

Mr. Osborne introduced for second reading an ordinance assessing liens for weed cutting, debris removal or miscellaneous bills on property in Clermont County owed to the City of Loveland.

Mayor Weisgerber noted that these ordinances will place a lien on the property as a result of unpaid utility bills or instances when the City had to hire property maintenance services, which were not repaid by the property owners.

Mr. Elliott referenced several assessments that were listed for the Reserves of Loveland. He asked if this was the same unaccepted subdivision in which the City recently plowed streets. Mr. Carroll stated that the parcels listed on the ordinances are vacant lots. The City did provide plowing services on one occasion for the residents of the Reserves of Loveland because the development is bankrupt. He noted the City had been in contact with Fifth Third Bank, who is in the process of foreclosing upon the lots. Fifth Third has since contracted plowing services for the subdivision. Discussion ensued regarding snow removal for the nine homes located in the Reserves of Loveland and if the developer or Fifth Third Bank should be assessed for the services, no action was taken.

A roll call vote was taken on the ordinance: Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, No; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes. The motion carried 6-1, adopting Ordinance 2010-10

Mr. Osborne asked if Council needed to take action for reimbursement from Fifth Third regarding the performance bond for the Reserves of Loveland. Mr. Carroll stated that Council didn't need to take action to seek remunerations from the performance or nuisance bonds. He noted that staff is in the process of reviewing

all subdivisions that have not been accepted by the City to make sure all of the bonds are active and current and the City has recourse if need be.

**New Business**

Mr. Carroll noted that several residents received a mailing from a service called Home Service which is offering an insurance policy to residents that would cover the cost of waterline leaks or repairs. The City is not endorsing this service and this company has no affiliation with the City of Loveland. Residents with additional questions were asked to contact the City Manager at 683-0150.

**Executive Session**

Vice Mayor Bednar moved to adjourn to Executive Session under Ohio Revised Code Section 121.22 (G)(1) to discuss personnel, Section 121.22 (G)(2) to discuss the purchase or sale of property, and Section 121.22 (G)(3) to discuss pending or imminent litigation, seconded by Mr. Osborne. Roll Call: Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. The motion passed 7-0. Council adjourned to Executive Session at 10:22 p.m.

**Reconvene**

At 10:40 p.m., Mrs. Cox moved to reconvene in regular session, seconded by Mr. Zuch. Roll Call: Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion unanimously carried.

**Adjournment**

There being no further business, Mr. Osborne moved to adjourn the meeting, seconded by Mrs. Cox. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes. The motion carried with a vote of 7-0. Mayor Weisgerber declared the meeting adjourned at 10:41 p.m.

  
Robert Weisgerber, Mayor

  
Misty Cheshire, Clerk of Council