

**LOVELAND CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, January 12, 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, Assistant to the City Manager Amanda Stephany, Acting Finance Director Harry Steger, Police Chief Tim Sabransky, Captain Sean Rahe, Police Specialist Ray Shockey, and Public Works Director Scott Wisby.

**Persons appearing
Before Council
Oath of Office**

Mr. Carroll introduced Scott Wisby, the City's new Public Works Director. Mr. Wisby was hired over two years ago as part of the City's succession plan for Larry Moreland who will be retiring later this year. Over the past two years, Mr. Wisby has dealt with two large snow storms, a flood, one train derailment, and the City's first known inland hurricane. Solicitor Klaine then administered the oath of office. Mr. Wisby stated that was his honor to serve the Loveland community and would build upon what he has learned from Mr. Moreland. Mayor Weisgerber thanked Scott's wife, Pam, for putting up with the additional hours Mr. Wisby must work in this position.

Open Forum

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

Approval of Minutes

Mrs. Cox noted two corrections to the December 15, 2009, City Council minutes: page 2, paragraph 6, changing the word "Christmas" to "Christman"; and page 4, paragraph 3, to remove the "s" from the word "welcomes."

Mr. Zuch moved to approve the amended minutes of the December 15, 2009, 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 1
2009 City of Loveland
Annual Report

The first memorandum on the agenda was the 2009 Annual Report regarding the City's finances and administrative activities, as required by Charter §4.02 (4). This report highlighted accomplishments, capital projects, finances, and other notable issues, and was accompanied by the quarterly project tracking table. Mr. Osborne asked if the report would be posted on the City website. Mr. Carroll confirmed that the report was in Council's packet, which is posted online.

Memorandum 2
Councilmanic Worksheet

This memorandum provided status updates on revenue enhancement and cost containment strategies, as well as a resident complaint about the appearance of stormwater infrastructure in the White Pillars subdivision. Mr. Carroll noted a correction on page 4, item 4, sentence 3, which should read: "The Study found that no impact fee **increase** was necessary, though the study confirmed the existing impact fees as being justified, rationale, and reasonable compared to peer-communities."

Mr. Elliott referenced the stormwater infrastructure concerns raised by Jim Hoover. He noted that Mr. Hoover was currently out of town and Mr. Hoover wanted to keep communications open the City, Developer, and his realtor. Mr. Carroll stated that he wrote a letter to Mr. Hoover and provided him a copy of this memorandum.

Mr. Klaine asked if Mr. Hoover had threatened to sue the City and if so, the City should be mindful of their comments. Mr. Carroll replied that Mr. Hoover has threatened general litigation but has not named the City specifically but assumed the City would be a potential party to the litigation filed by Mr. Hoover.

Mr. Fitzgerald noted that although the minimum planning standards and requirements have been met, it will unlikely mitigate the frustrations or perceived harm that Mr. Hoover has suffered. The City was instrumental in the development of the property and it was disappointing that the City hasn't seen cooperation and commitment to quality development, perhaps above and beyond the de minimis standards that the code requires from the developer and the home builder. Mr. Fitzgerald stated that it was a disappointment that this development, for at least one consumer, is not panning out as hoped.

Mayor Weisgerber stated that some realtors are not always in tune with all of the facts. He wanted to keep dialog open between the parties.

Mrs. Cox stated that she would like to see this item remain on the Councilmanic Worksheet.

Mr. Zuch referenced another portion of the memorandum, which outlined revenue enhancements and cost containment efforts made by the City. He asked Mr. Carroll to highlight the savings.

Mr. Carroll stated that some of the savings come from cost avoidance so it was difficult to classify some items as savings. A significant amount of savings were due to lower insurance and Worker's Compensation premiums, which would account for savings of \$396,000 in 2009 and \$580,000 in 2010. He estimated that the City would have \$77,000 in increased revenue in 2009 and \$107,000 in 2010.

Mr. Zuch said that staff really listens to City Council and the community. Neighborhood meetings have generated complaints and ideas and staff has worked diligently to respond to the complaints and in some cases have made policy changes.

Committee Reports
Committee Appointments

Mayor Weisgerber presented a list of committee appointments to Council for approval. Mr. Osborne moved to approve the list as recommended by the Mayor, seconded by Vice Mayor Bednar. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes. The motion carried 7-0.

Communications
School Board Minutes

Mr. Fitzgerald pointed out the City receives school board minutes quarterly. Mayor Weisgerber asked the Clerk to prompt the School Board to provide their minutes on a more frequent basis.

Mr. Osborne requested that the Board include more discussion in their minutes. Mrs. Cox noted that the School District's lawyers have reviewed their minutes and found them to meet the legal requirements. Mayor Weisgerber stated that the City operates under a different standard as far as minutes are concerned and the board's minutes, while legal, may not meet the community's standards.

Public Works Compliment

Mrs. Cox referenced an email that was sent to Larry Moreland complimenting the Public Works department on the Christmas decorations. Mayor Weisgerber added that the department also does a wonderful job of removing snow.

Finance Director Taphorn

Mr. Zuch stated that he appreciated Bill Taphorn's efforts to ensure that all anomalies were resolved prior to his retirement. Mr. Taphorn provided a year-end report to Council and left the finance department in good order.

Review of Councilmanic Worksheet

The first item listed on the Councilmanic Worksheet was additional revenue streams and cost containment methods. This was discussed in the City Manager's Report and Memorandum 2, Councilmanic Worksheet. Council removed this item from the worksheet.

The next item on the Councilmanic Worksheet pertained to the White Pillars – Pewter Court retention basin emergency spillway issue. The next update on this item will occur on March 23, 2010.

Old Business

Ordinance 2010-01
Note Issuance
\$250,000

Mr. Osborne introduced for second reading an ordinance providing for the issuance of \$250,000 of renewal bond anticipation notes by the City of Loveland, Ohio, for the purpose of property acquisition for municipal purposes. Mr. Carroll added that this issuance was for the Christman Farm property. Roll Call: Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes. The motion carried with a vote of 7-0, adopting Ordinance 2010-01.

Ordinance 2010-02
Note Issuance
\$418,000

Mr. Osborne introduced for second reading an ordinance providing for the issuance of not to exceed \$418,000 of bond anticipation renewal notes by the City of Loveland, Ohio for the purpose of property acquisition for municipal purposes. Mr. Carroll added that this issuance was for the Amend property. Roll Call: Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes. The motion unanimously carried, adopting Ordinance 2010-02.

Ordinance 2010-03
Note Issuance
\$627,000

Mr. Osborne introduced for second reading an ordinance providing for the issuance of \$627,000 of bond anticipation notes by the City of Loveland, Ohio, for the purpose of property acquisition for municipal purposes. Mr. Carroll noted that this issuance was for the McCoy, Rogers, and Schmidt properties. Roll Call: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes. The motion passed, adopting Ordinance 2010-03.

Ordinance 2010-04
Note Issuance
\$995,000

Mr. Osborne introduced for second reading an ordinance providing for the issuance of \$995,000 of bond anticipation renewal notes by the City of Loveland, Ohio, for the purpose of property acquisition for municipal purposes. Mr. Carroll noted that this issuance was for the Rolke property. Roll Call: Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes. The motion unanimously carried, adopting Ordinance 2010-04.

Ordinance 2010-05
Note Issuance
\$2,290,000

Mr. Osborne introduced for second reading an ordinance providing for the issuance of \$2,290,000 of bond anticipation renewal notes by the City of Loveland, Ohio, for the purpose of property acquisition for municipal purposes. Mr. Carroll noted that this piece of legislation combined all four note issuances. Roll Call: Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. The motion carried with a vote of 7-0, adopting Ordinance 2010-05.

New Business

Resolution 2010-06
Advance Payment of
Taxes

Mr. Osborne introduced a resolution requesting the County Auditor to make advance payments of taxes. There was no further discussion. Roll Call: Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion passed with a vote of 7-0, adopting Resolution 2010-06

Utility Assessments for
Hamilton County

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

Council discussed the assessment process that was recommended by the Law and Ordinance Committee and adopted by City Council, which includes at least two notices of if the customer does not attempt to work out a payment plan, the City begins the assessment process.

Vice Mayor Bednar noted that several assessments had four figures and wanted to know if that amount was accumulated over a six month period and if so, should the City place assessments more often. Mr. Carroll explained the City's billing process that will enable the City to make sure payments are received earlier in the process by allowing customers to pay on a monthly basis.

Council and staff discussed auditor requirements for assessments and the City's assessment process for rental properties and utility customers who reside outside the City limits.

Utility Assessments for
Clermont County

Mr. Osborne introduced for first 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.

Property Maintenance
Assessments for Hamilton
County

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

Vice Mayor Bednar pointed out that two properties listed on Bellwood do not have house numbers. Mr. Carroll noted that the properties on Bellwood do not have a physical structure and have two different parcel numbers, which will be used by the auditor to place the assessment.

Property Maintenance
Assessments for Clermont
County

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

Mr. Osborne suggested that the City coordinate the assessment ordinances with the County's tax duplicate.

Utility Donations

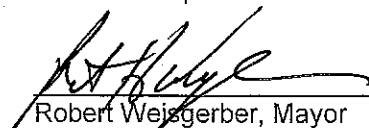
Mr. Zuch noted that a friend of his pointed out that Duke Energy allowed customers to make donations to a fund that assists other utility customers who have difficulty paying their electric or gas bills. He asked if Council wanted to look into doing something similar in Loveland. Council and staff discussed the challenges of instituting this program.

Vice Mayor Bednar stated that donations could be made to local churches and charitable institutions in the community that already provide assistance to residents. Mr. Klaine stated that the business of government is government and the business of charity is charity and they don't mesh well together. If someone is interested in making a donation, Mr. Klaine recommended the City direct them to a local charity that helps residents with funding needs.

Loveland the Play

Mr. Osborne thanked everyone who attended Ann Randolph's play *Loveland* at the Arnoff Center on December 29th. The production was sold out and will be released on video. He noted that the Loveland Stage Company received half of the admission fees.

- Martin Luther King, Jr. Event** Mrs. Cox announced that the Loveland Initiative was hosting an event to honor Martin Luther King, Jr. on Sunday, January 17th from 4 p.m. – 8 p.m. at Loveland Middle/Intermediate School and will include a potluck dinner. The public is invited to attend and are encouraged to bring a dish to share.
- Camera Relocation** Mr. Carroll thanked ICRC and the Public Works Department for working together to relocate the cameras in Council Chambers. The new camera angles should improve viewing quality.
- Council Retreat** Mr. Fitzgerald moved to schedule City Council's annual goal setting retreat on Saturday, February 27, 2010 from 8 a.m. to Noon at the Loveland Safety Center, seconded by Mrs. Cox. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes. The motion unanimously carried.
- Bill Taphorn** Mayor Weisgerber thanked former Finance Director Bill Taphorn for his 32 years of service to the City of Loveland. Mr. Taphorn established budget discipline and processes to help the City.
- Executive Session** Vice Mayor Bednar moved to adjourn to Executive Session under Ohio Revised Code Section 121.22 (G)(1) to discuss personnel and Section 121.22 (G)(3) to discuss pending or imminent litigation, seconded by Mr. Osborne. Roll Call: Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes. The motion passed 7-0. Council adjourned to Executive Session at 9:36 p.m.
- Reconvene** At 10:35 p.m., Mrs. Cox moved to reconvene in regular session, seconded by Vice Mayor Bednar. The motion carried by unanimous consent.
- Adjournment** There being no further business, Mr. Osborne moved to adjourn the meeting, seconded by Mrs. Cox. The motion carried by unanimous consent. Mayor Weisgerber declared the meeting adjourned at 10:36 p.m.


Robert Weisgerber, Mayor


Misty Cheshire, Clerk of Council

