

**LOVELAND CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, April 13, 2010**

**Call to Order &
Pledge of Allegiance**

Mayor Weisgerber called the meeting of the Loveland City Council to order at 8:03 p.m. The Pledge of Allegiance was recited.

Roll Call

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

Mr. Osborne moved to excuse Vice Mayor David Bednar, seconded by Mr. Elliott. Roll Call: Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. The motion carried 6-0.

**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, Acting Deputy Chief Sean Rahe and Police Specialist Ray Shockey.

**Persons appearing
Before Council
Loveland Memorial Day
Parade & Ceremony**

Terry Stouder, Chairman of the Veterans Memorial Committee, announced that the 2010 Memorial Day Parade and Ceremony will be held on Monday, May 31st. The parade will line up at the Elementary School on Loveland Madeira Road and will disband at Veterans Memorial Park. The parade will begin at 9 a.m. and the ceremony will begin immediately after the parade. Mr. Stouder invited City Council Members to participate in the event. He noted that a special presentation was planned for Captain Seth Mitchell.

**Open Forum
Student Government
Teacher Charles Warden**

Charles Warden, Loveland High School, thanked Council for continuing the student government tradition that had been in place over 30 years. He introduced the students that would be participating this year and who they would be partnered with:

Natalie Siddique – Mayor Robert Weisgerber
Alex Nicastro – Vice Mayor David Bednar
Sander DiAngelis – Councilman Todd Osborne
Genny Trewiler – Councilman Mark Fitzgerald
Abby Vargo – Councilman Brenton Zuch
Sheridan Stease – Councilman Paul Elliott
Erin Randall – Councilwoman Linda Cox
Jessica Ajurwa – City Manager Tom Carroll
Shauna Stease – City Solicitor Frank Klaine
Taylor Spaw – Clerk of Council Misty Cheshire
Saina Nemoto – Finance Director Harry Steger

Approval of Minutes

Mrs. Cox moved to approve the minutes of the March 23, 2010, City Council Meeting, seconded by Mr. Osborne. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Cox, Yes. The motion unanimously carried.

Mrs. Cox pointed out the following corrections to the April 2, 2010, City Council Meeting minutes: page 1, paragraph 3, line 3, to read: "Mayor Weisgerber stated that we traded voice messages" and on page 2, paragraph 6, sentence 3 to read: "Mr. Klaine stated that if the assessment is submitted in September the assessment would be show up on the second half taxes of 2010."

Mr. Elliott moved to amend the minutes of the April 2, 2010, City Council Meeting to include the fact that ICRC was not in attendance and the meeting was not televised, seconded by Mrs. Cox.

Mr. Osborne stated that the proposed amendment didn't have anything to do with the proceedings and an editorial comment that ICRC was not present was not necessary. Mr. Elliott disagreed and pointed out that typically ICRC is in attendance and broadcasts City Council meetings. It was a special meeting to discuss a special topic and he believed that it should have received live coverage or at a minimum delayed coverage.

Mr. Zuch pointed out that the minutes do not reflect when ICRC is present. He noted that the City attempted to contact ICRC and they had scheduling conflicts. He stated that he didn't understand the purpose of the amendment and didn't believe that it fit within the minutes.

A roll call vote was taken on the motion: Fitzgerald, Yes; Osborne, No; Weisgerber, No; Zuch, No; Cox, Yes; Elliott, Yes. The motion failed 3-3.

Mr. Osborne moved to approve the amended minutes of the April 2, 2010, City Council meeting, seconded by Mr. Zuch. Roll Call: Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Cox, Yes; Elliott, No; Fitzgerald, Yes. The motion carried 5-1.

Mr. Osborne moved to approve the minutes of the April 6, 2010, City Council minutes as submitted, seconded by Mr. Zuch.

Mr. Elliott noted that ICRC was not present as requested and no explanation was given as to if ICRC was available.

Mr. Elliott moved to amend the minutes of the April 6, 2010, City Council minutes to reflect that ICRC was not present, seconded by Mrs. Cox.

Mayor Weisgerber reported that administration did contact ICRC and a message was sent to Council noting that ICRC would not be available to record the meeting. Administration did follow up on Mr. Elliott's request from the April 2nd meeting. Mr. Zuch said that his prior statements apply to this motion as well.

A roll call on the motion to amend the minutes was taken: Weisgerber, No; Zuch, No; Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, No. The motion failed 3-3.

Mr. Osborne moved to approve the minutes of the April 6, 2010, City Council meeting, seconded by Mr. Zuch. Roll Call: Zuch, Yes; Cox, Yes; Elliott, No; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes. The motion carried with a vote of 5-1.

**City Manager's Reports
& Memorandums**
Memorandum 21
2010 Water and Sewer
Rate Survey Results

This memorandum accompanied the results of the 2010 Water and Sewer Rate study conducted annually by the City of Oakwood. The results indicate that Loveland has the fourth cheapest water rates in the region, but the second highest sanitary sewer rates. Mayor Weisgerber noted that Loveland's sewer rates have been set by Hamilton County since 1985.

Mr. Zuch thanked the City of Oakwood for compiling this data. The data allows cities to compare their utility rates. He said that it was gratifying to see that Loveland's water rates are low. He stated that the City will continue to make attempts to hold down utilities or even reduce the costs for residents without decreasing the quality of service.

Memorandum 22
Possible Solar Panels at
Betty Ray

Mayor Weisgerber stated that 63 communities were included in the survey, ranking them in order of their utility rates, lowest to highest.

This memorandum provided information about a proposal from Solventus Partners, an environmental investment firm which seeks to install solar electrical generation facilities at municipal facilities. Staff requested Council's input as to whether the City should continue to explore this green initiative with Solventus.

Mrs. Cox referenced the pictures included with the memorandum and asked where the panels were located. Mr. Carroll replied that the site was in West Chester and Council would be able to visit that location if desired. Mrs. Cox noted that the proposed location for the panels would, at a minimum, eliminate two of the three fields at the Betty Ray Park but could potentially eliminate all three fields. Mr. Carroll stated that the information provided to Council was conceptual and further review would be needed to determine the number of fields that would need to be eliminated. Mr. Osborne pointed out that the City has other property that could be utilized for playing fields.

Mr. Zuch commended staff for finding opportunities to be ecologically friendly and save residents money at the same time. He encouraged staff to have conversations with the stakeholders and determine how the project will impact them. Mr. Elliott stated that he would like the Recreation Board to review the proposal.

Mr. Fitzgerald suggested that Council be included in the presentations and discussions with the stakeholders. He believed that the Recreation Board and a representative from the City's Water Utility should be included.

Mr. Zuch noted that he and the City Manager discussed the ability to add wells at this location if the panels are installed. He was advised that there wasn't a great need for future capacity and sinking another well would not provide the City with more capacity.

Mrs. Cox asked if the City Manager had spoken with other jurisdictions that are utilizing solar panels. Mr. Carroll replied that he had not spoken with other jurisdictions. The purpose of the memorandum was to find out if Council had an appetite for the project. This information was not shared with other entities to allow Council to weigh-in first.

Mr. Fitzgerald moved to direct staff to pursue the solar panel concept, seconded by Mr. Zuch.

Mayor Weisgerber stated that he was concerned about the loss of active playing fields, generation and efficiency levels of the panels, and positioning of the arrays. Mr. Osborne added that a portion of the property has restrictions that prohibit usage. Mayor Weisgerber stated that there were many underlying questions that needed to be reviewed.

Mr. Elliott pointed out that the City could potentially save approximately \$10,000 a year in energy costs and the question is: Is it worth losing one or two fields to save about \$10,000 a year? He believed the City should continue investigating solar energy possibilities. Mrs. Cox wanted the research to include environmental impact for people who will be near the panels.

A roll call vote was taken on the motion: Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. The motion unanimously carried.

Public Hearing
Sale of City-owned
Property

Memorandum 23
Rivers Bend Farm
Annexation

Mr. Zuch moved to open the public hearing to discuss the sale of ±0.0753 acres of City-owned property to Tim and Kay O'Grady, seconded by Mr. Osborne. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Cox, Yes. The motion unanimously carried.

No one spoke during the public hearing. Mr. Osborne moved to close the public hearing, seconded by Mrs. Cox. Roll Call: Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Cox, Yes; Elliott, Yes. The motion carried 6-0.

This memorandum accompanied the ordinance to accept the annexation of the Rivers Bend Farm into the City limits of the City of Loveland. The ±27.5103 acre parcel is part of the City's wellhead protection area.

Mr. Zuch commended staff for taking measures to preserve the City's water supply. He thanked Ohio Department of Natural Resources (ODNR) for supplying the grant funds that made the purchase possible and the Warren County Commissioners for approving the annexation. He noted that the Tree and Environment Committee will examine the site and will recommend preservation options for the site.

Mr. Carroll noted that the City worked with Wil Fisher, President of the National Honor Society, to coordinate a clean-up last fall and spoke to him about a planting day on the site in the future.

Mr. Osborne stated that the memorandum provided a great explanation of the annexation process and recommended the information be shared with the school system.

Mrs. Cox asked if the ODNR placed deed restrictions on the property. Mr. Carroll replied that the City can't put activity recreation facilities on the property; it is to be kept in a natural state. If the City would sell the property, the City would have to repay ODNR the amount of the grant.

Mr. Elliott noted that Loveland's wellhead protection area consists of 280 acres. He asked the City Manager to describe how the protection area was created. Mr. Carroll stated that the City was mandated to come up with three stages to protect the municipal well system. The first study was conducted by Jones and Henry to delineate how the well field was charged. Next, the City hired Lockwood, Jones and Beal to help identify risks to the well fields and included records to determine where underground storage tanks and home septic systems were located within the protection area that could potentially contaminate the well fields. The third phase has not been completed and has no mandated deadline, would include a remediation plan if the well fields were contaminated. The City's remediation plan includes emergency back up suppliers: Clermont County, Cincinnati Water, Western Water and Warren County. Mr. Carroll stated that the best protection plan is to purchase and control properties within the wellhead protection area.

Mr. Carroll pointed out that the greatest risk to the City's well fields was the property located to the north and west of the Rivers Bend Farm. L&I Concrete's property is zoned for heavy industry, although it is not currently used as such. He noted that there are properties outside the protection area that drain toward that direction and are not on sanitary sewers.

Mr. Zuch stated that the Tree and Environment Committee wanted to look at plantings that would discourage dumping on the Rivers Bend Farm property.

Memorandum 24
Councilmanic Worksheet

This memorandum provided status updates on two issues on the Councilmanic worksheet: City Department's automatization/digitization and end of season snow removal update.

Mrs. Cox asked if all of the City's information technology would now be handled by Cincinnati Bell. Mr. Carroll concurred that all services would now be provided by Cincinnati Bell, including IT services.

Mr. Zuch stated that his friend who also plows snow commended Public Works for doing an excellent job. Mayor Weisgerber noted that the City has 900 tons of salt on hand, which includes the 500 tons ordered in February.

Memorandum 25
Duke Retail Sales
Preferred Endorsement
Program

This memorandum provided City Council background information on a Duke Retail Sales program which could save residents an average of \$23.82 per month on energy charges through 2011. Residents would have to opt into this program once the City signs a memorandum of understanding with Duke Retail Sales.

Mr. Zuch thanked the City Manager for not letting this opportunity pass by. He reiterated that residents would get to opt into the program and could begin saving money on their energy bills. If a resident in need of sidewalk repairs saves \$23.82 per month on their energy bill they can use that money toward their sidewalk repairs. He recommended the City proceed as quickly as possible with the program.

Mr. Fitzgerald noted that residents could lock into a fixed price of 6.50 cents per KWh. He asked what the City's rate would be. Mr. Carroll replied that the City's rate is about 5.20 cents per KWh plus an additional three percent discount through 2011. He stated that as a larger customer the City is able to get a slightly better deal than a resident.

Mayor Weisgerber reported that residents have two options:

1. Do nothing. The resident has complete decision-making authority to opt-in this program. If they do nothing, the resident will stay a Duke Energy customer as opposed to a Duke Retail Sales customer.
2. Opt-in. Once the City enters to an agreement with Duke Retail Sales, a resident may opt-in to the program and begin taking advantage of a discounted rate through 2011.

Mr. Osborne referenced the memorandum which stated that residents can receive a guaranteed discount of 18% off Duke Energy Ohio prices through 2011 or lock into a fixed price of 6.50 cents per KWh through 2011. He asked if the resolution would be needed to be renewed annually. Mr. Carroll stated that the agreement will be through 2011. Duke Energy is performing a regulated rate analysis and asking for a regulated rate increase through the Public Utilities Commission of Ohio and all their deals are through 2011. At the end of the 2011 period the City will have to determine if it makes sense to put on the ballot the aggregation concept or enter into a new program if available.

Mayor Weisgerber explained that some communities have pursued energy aggregation, which allows the city to buy energy at an agreed upon rate. This option must go before the voters and, if passed, all residents would be included in the program unless they opt-out.

Mr. Fitzgerald stated that the billing, service, and delivery of electric will be seamless. Duke Retail Sales, an affiliate of Duke Energy, is competing with other entities to buy power at discounted rates.

Mr. Elliott asked Mr. Zuch to clarify his comments on financing sidewalk repairs with energy savings if a resident chose to opt-in to the program. Mr. Zuch stated that the energy savings could offset the cost of sidewalk repairs. He stated that the Heights neighborhood asked the City to fix a problem, which the City is addressing and Council provided residents with an additional funding options. The City now has the opportunity to saving residents money on their energy expenses.

Mrs. Cox asked if the voters approve an aggregation program would the program be for a specific number of years. Mr. Carroll replied that he would have to research that question and report back to Council.

Mr. Elliott asked if residents could still sign up with other providers. Mr. Carroll stated that consumers can buy electric from any provider they select.

Mr. Zuch stated that he worked for the legislature when electrical deregulation was passed and the issue was too confusing for the average resident, including himself. He predicated that energy rates would continue to rise due to energy regulation due to ecological concerns and increased demands.

Mr. Zuch moved to direct staff to continue to explore the possibility of entering into a program with Duke Retail Sales that would reduce energy charges through 2011, seconded by Mr. Elliott. Roll Call: Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes. The motion passed 6-0.

There were no comments on the committee reports received by City Council.

Committee Reports

Communications

Rumpke Recycling Open House

Mr. Zuch referenced a communication from Rumpke that states their goal is to recover 96 percent of the gas and purify it into renewable energy. Mr. Zuch noted that if Loveland could recycle 20 percent of the total trash collected in the City, the City can qualify for a grant from Hamilton County to offset rate increases. He announced that Rumpke Recycling will be holding an open house on April 22nd from 1 – 4 p.m. For more information, Mr. Zuch directed residents to visit Rumpke's website, www.rumpkerecycling.com. Mr. Carroll added that this summer the City's Management Intern, Ana Downes, will work on promoting, marketing, and educating the public about recycling.

Mr. Fitzgerald encouraged students to tour the recycling facility and learn more about the recycling process.

Mrs. Cox asked if the wheeled recycling bins were still available. Mr. Carroll confirmed that the 35 gallon totes are free of charge and are now available to all citizens. Initially the totes were reserved for seniors and special needs families.

Mrs. Cox asked if Mr. Steger could provide an update on RITA. Mr. Steger reported that the City is working closely with RITA to resolve any discrepancies that are found. Mrs. Cox noted that the report indicates that collections are down for 2010 compared to 2009 collections. Mr. Steger stated that withholdings for business within the City are up 7.2% over 2009 but personal and business net profits are down.

March 2010 Financial Report

Mayor Weisgerber asked Mr. Steger when he would have a better feel if the difference in the figures was a data quality issue or a trend. Mr. Steger expected the personal returns to pick up through the end of April which will help him determine if the difference is due to a data issue or trend.

Mr. Carroll noted that the City uses a forecasting model, which allows the City to predict the City's income tax year end within a one percent variance based upon the collections through March. This allows the City to make adjustments to expenditures if necessary. Mr. Carroll reported that the current numbers for this year show the City may have a shortfall of \$200,000 on a \$2.9 Million budget. He noted that some budgetary expenses have been frozen until the City can determine if the shortage is a revenue or data problem. Mr. Carroll stated that the City will end the year in solid fiscal health.

Mayor Weisgerber stated that the basis of the forecasting model has been changed by converting to RITA. He stated that doubts have been cast on the model because the newness of the RITA system.

The next update on the City Department's automatization/digitization will occur on July 13, 2010.

Review of Councilmanic Worksheet

Mr. Osborne moved to remove the snow removal updates from the Councilmanic Worksheet, seconded by Mr. Zuch. Roll Call: Weisgerber, Yes; Zuch, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes. The motion unanimously carried. Mr. Carroll noted that he is able to provide Council with updates at any given meeting.

Mr. Osborne asked staff to provide Council with a preview of Flower Show street closures. Acting Deputy Chief Rahe reported that the City will close Lindenhall Drive and residents on Lindenhall and surrounding streets have been issued parking passes. He added that Symmes Township will be routing motorists to the north entrance of the Rozzi's property and exit on the south end, which should reduce congestion on Lebanon Road.

Mr. Osborne asked to add an item to the Councilmanic worksheet: Energy Savings Update. Council concurred and the first report was scheduled for July 27th. Mr. Carroll expected that he would be sharing information or presenting legislation to Council on energy savings prior to July.

Old Business Ordinance 2010-18 Sale of City-Owned Property

Mr. Osborne introduced for second reading an ordinance authorizing the City Manager to sell a ±0.0753 acre parcel at the north corner of Union Street and First Street to the O'Gradys, the adjacent property owners who presently enjoy a license from the City to use this property.

Mr. Fitzgerald moved to add the emergency clause to this ordinance, seconded by Mr. Zuch.

Mrs. Cox announced that she would be abstaining from the vote. Mrs. Cox read the following statement: "For the record Mr. and Mrs. O'Grady and I serve on the board for the Loveland Arts Council, which is no compensation of any kind other than the enjoyment of working together with other members of the Council to present several great activities for Loveland residents and visitors. I also have family members that are or have been gainfully employed by Mr. O'Grady though those associations have absolutely nothing to do with the property that's before Council for consideration this evening. However, to avoid the perception of any financial gain I will abstain from voting on this ordinance this evening."

Mr. Carroll pointed out that the motion would fail because Mrs. Cox would be abstaining from the vote. Council must have six affirmative votes to pass an ordinance by emergency. The motion and second were withdrawn.

Mr. Elliott stated that he was a trustee for the Loveland Arts Council and has a relationship with Mrs. O'Grady in that respect. He stated that he didn't see a conflict and planned to vote on the ordinance. Mr. Zuch added that he liked both Tim and Kay and would still be voting on the ordinance.

A roll call was taken to adopt the ordinance: Zuch, Yes; Cox, Abstain; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes. The motion carried by a vote of 5-0 adopting Ordinance 2010-18.

Ordinance 2010-17

Mr. Elliott asked the City Manager to provide an update on the actions taken by the City following the adoption of Ordinance 2010-17, which was adopted at the Special City Council meeting on April 6th. He noted that certified letters were mailed and wanted to know if the City had received comments from the residents.

Mr. Carroll noted that Ordinance 2010-17 would become effective 30 days after adoption. By adopting Ordinance 2010-17, Council created the opportunity to have the City manage the project as well as to refund a resident 50% of the bill if paid within 30 days. The ordinance also allows residents to have 90% of the cost assessed to their property over a three-year period. Mr. Carroll confirmed that certified letters were mailed to the residents.

Mr. Carroll announced that the City Engineer had received approximately 40 calls over the last two days. The residents requested clarification on the project, expressed confusion over what they needed to do and the new deadlines. Some residents were confused based upon recent letters to the editors. Residents who expressed their inability to perform the work by either financial or physical conditions have been referred to the Loveland Ministerial Association for assistance.

Mr. Carroll stated that the order to fix the sidewalk would be unaffected by any legislation adopted by Council or its effective date. The City has the authority under existing Code to order sidewalk work to be done. In the absence of Ordinance 2010-17, residents will lose the option to have the City manage the program allowing the bill to be paid in 30 days at a 50% discount or having 90% of the bill assessed over a three-year period.

Mr. Zuch pointed out that Mr. Elliott asked for a certified copy of the ordinance under the notion that several residents are interested in a referendum. Mr. Zuch asked Mr. Elliott if he was leading the referendum and if so, was he doing so as a resident or a Council Member. If so, Mr. Zuch also wanted to know why Mr. Elliott wanted to take away the options that Council has provided to the residents in Ordinance 2010-17. Mr. Zuch reaffirmed that the ordinance gave residents more options in a tough economy.

Mr. Elliott replied that Mr. Zuch's comments and questions were confusing and a referendum would proceed if it is the will of the people. Mr. Elliott stated that the City has historically had a 50/50 program allowing the City and residents to share equally in the repair of sidewalks. He stated that based upon the economy it is a tough time to ask residents to participate in the sidewalk repair program. He stated that hundreds of sidewalks throughout the City are in violation, outside the 266 violations in the Heights. Mr. Elliott thought it was unfair for the City to target specific neighborhoods. He believed that the repairs should be enforced equally

throughout the entire City. Mr. Elliott didn't believe that Ordinance 2010-17 was offering a favor to the residents and the project wasn't fair and the City was using taxpayer money not City money. Mr. Elliott stated that if he were going to participate in a referendum he would do so as a resident and registered voter of the City of Loveland. He added that Mr. Zuch's questions were silly and petty.

Mayor Weisgerber requested that Mr. Elliott focus on the answer rather than telling someone they are silly for asking a question. Mr. Weisgerber stated that misinformation and misrepresentation of the facts have confused the residents. Mr. Weisgerber stated that most of Mr. Elliott's comments were confusing. He noted that Council is responsible for the taxpayer's dollars, which include roughly 12,000 people. He reiterated that Ordinance 2010-17 enhances the 50/50 option as it exists today to allow the City to manage repairs for the residents at a bulk rate, which will lower the price. The Ordinance provided residents with the option to pay 90% of the cost, without any administrative costs, over a three-year period. Mayor Weisgerber stated that the City was not singling out the Heights, they were first. The remainder of the City's sidewalks will be inspected over the next ten years.

Mayor Weisgerber referenced Dave Miller's blog page that discussed his sidewalks. Mayor Weisgerber said that he has gotten a permit to repair his sidewalk.

Mayor Weisgerber stated that there were times when questions asked may appear to be silly but are often a point of clarity for the residents. Mayor Weisgerber added that all Council Members are residents of the City and have the opportunity and right to participate or lead a referendum or initiative.

Mr. Zuch stated that it was a common practice of Mr. Elliott to ask questions that he already knew or should know the answer to. Mr. Zuch stated that he has never reflected poorly on one of Mr. Elliott's questions even if he did take exception to a question. He stated that it was offensive to say that the City is targeting a neighborhood when in fact that neighborhood asked to have their sidewalks fixed. Mr. Zuch stated that Mr. Elliott had implied that the 50/50 program was being eliminated when in fact the 50/50 program has been enhanced by Ordinance 2010-17. He stated that it was offensive to imply that Council was not aware that the City operates with the people's funds. Mr. Zuch asked Mr. Elliott why he would lead a referendum that would take away options for the residents that would help them afford the repairs.

Mr. Elliott stated that a referendum would provide residents with the opportunity to vote upon existing legislation although it may delay the effective date. He stated that it was not wrong for him to have a differing opinion. Mr. Elliott stated that he would gladly help residents if they wanted to pursue a referendum.

Mayor Weisgerber explained that a referendum would put the ordinance on hold until November and the current Code would stand as would the order to repair sidewalks. The referendum would delay the new options and choices given to residents. Mayor Weisgerber pointed out that if a resident did not believe that the new options would benefit them, they did not have to take advantage of those options.

Mayor Weisgerber stated that every citizen has the right to initiate and or participate in a referendum. He requested that the parties having the petitions signed explain that the referendum would delay the incorporation of the ordinance and would take away options for the residents of the Heights.

Mr. Osborne stated that Council took an oath to serve the public and if the body needed to meet, Council should meet even if it is a holiday. He said that it was offensive for a Council Member to subvert or pervert the process by innuendo or insinuating that Council is targeting or discriminating a section of town. Mr. Osborne stated that the residents have the opportunity to vote every four years and elect Council Members to represent the City. If the residents are unhappy they could also pursue a recall. Mr. Osborne stated that he has seen the referendum process abused and misused in the past.

Mr. Fitzgerald stated that Ordinance 2010-17 is flawed, like most legislation. He stated that if there was a strong sentiment among the community for a referendum, so be it. He suggested that if Council had adhered to the Rules of Council, Council would not be in this predicament. Council would have had the opportunity to discuss their differing opinions. He believed the legislation should have gone through a regular meeting schedule. Mr. Fitzgerald suggested Council adhere and pay more attention to Council Rules rather than expediting legislation, a process that would better serve the community.

Mr. Zuch disagreed with Mr. Fitzgerald's comments. He stated that Mr. Fitzgerald was in favor of the legislation when it was introduced but when Mr. Osborne announced that he would be abstaining, Council began moving too fast and everyone got confused. Mr. Zuch stated that the special meetings were a result of delay tactics that were practiced consistently with 3-3 votes. He stated that Council followed its rules and is permitted to hold special meeting to do the people's work.

Mr. Zuch asked the parties initiating the referendum to be honorable, tell the truth, represent the facts, and give the residents all of the information. Mr. Zuch stated that he would support the will of the people. If a campaign is initiated to pass the referendum, Mr. Zuch requested that the parties follow the rules of the Ohio Ethics Commission for a formal campaign.

Mr. Fitzgerald stated that his actions and votes are not based upon what Councilman Osborne does or does not do.

Mrs. Cox pointed out that everything said tonight has been said in previous meetings and wasn't sure why the same comments were being repeated over and over again. The legislation has been passed. She noted that the Mayor explained the referendum process and the people have the choice to participate in a referendum. She noted that if residents have questions they can go online and read the minutes or come to City Hall and read a hard copy of the minutes. She suggested Council move forward with the agenda.

Mr. Osborne introduced for first reading an ordinance authorizing the employment agreement of Finance Director Harry Steger.

New Business
Finance Director Contract

Mr. Osborne moved to waive the second reading for the ordinance, seconded by Mr. Zuch. Roll Call: Cox, No; Elliott, No; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. The motion failed 4-2. Mr. Klaine noted that six votes were required to pass the motion, per Council Rules.

Mr. Osborne asked why certain Council Members voted against the motion. Mrs. Cox noted that the ordinance was retroactive to January 12th and didn't see the need to waive the second reading.

River's Bend Farm
Annexation

Mr. Osborne introduced for first reading an ordinance accepting application for annexation of ±27.5013 acre parcel known as River's Bend Farm annexation. There was no further discussion.

Procedure for Disposal of
Property held by the Police
Department

Mr. Osborne introduced for first reading an ordinance repealing Ordinance 1984-65 as to the procedure to dispose of property obtained and held by the police department. Mr. Klaine noted that the Ohio Revised Code requires the disposal of property to go before the Court of Common Pleas. Many years ago the City of Loveland said that the Mayor could approve the disposal.

Great American Cleanup

Mrs. Cox announced that the Great American Cleanup was scheduled for April 24th at 9 a.m. Mr. Zuch noted that volunteers should meet at Little Miami Inc. The event would run from 9 a.m. – Noon and volunteers can work anytime during that time period. Gloves and trash bags will be provided. Mr. Zuch stated that the Committee hopes to expand the program to neighborhoods.

Safe Digging Month

Mayor Weisgerber announced that Governor Strickland had declared April as Safe Digging Month to remind Ohio residents to call 811 before digging to make sure pipes or lines are not damaged.

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 10:32 p.m.


Robert Weisgerber, Mayor


Misty Cheshire, Clerk of Council