

**LOVELAND CITY COUNCIL  
REGULAR MEETING MINUTES  
Tuesday, May 11, 2010**

**Call to Order &  
Pledge of Allegiance**

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

**Roll Call**

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

**Recognition of Members  
of the Audience**

Also Present: City Manager Thomas Carroll, Acting Solicitor Joe Braun, Clerk of Council Misty Cheshire, Finance Director Harry Steger, Police Chief Tim Sabransky, Acting Deputy Chief Sean Rahe and Police Specialist Ray Shockey.

**Persons Appearing  
Before Council  
Open Forum  
Taste of Music**

No one was scheduled to speak to City Council.

Angie Gardner, 404 Mohican, announced that the Loveland Show Choir would be holding an event, Taste of Music, on Saturday May 15, 2010, in the high school cafeteria from 6:00 to 9:00 p.m. Admission is free but patrons are encouraged to bring canned fruit that will be donated to the Loveland Food Pantry. The high school and middle school Show Choirs will perform, local restaurants will provide samples and there will be a silent auction and raffle. Cinnamon minis from The Works were distributed to Council and Kate Alteri sang. Mrs. Gardner invited Council and the community to attend the event and support the Loveland Show Choir and Loveland Food Pantry.

Mrs. Cox thanked Mrs. Gardner for the treats and Ms. Alteri for the beautiful music. Mr. Elliott asked if the donations were still being accepted. Mrs. Gardner welcomed more donations. The Show Choir can be contacted at their website [www.lovelandshowchoirs.org](http://www.lovelandshowchoirs.org). Mrs. Gardner noted that there are pictures of the Show Choir's trip to the Grand Ole Opry on the site.

Mr. Fitzgerald stated that in this morning's newspaper the new superintendent was quoted saying that part of the reason that he was enamored with coming to Loveland was the music program. Mayor Weisgerber thanked Mrs. Gardner and Ms. Alteri.

**Downtown Development  
and Signage**

Ralph Dunnigan, 126 W. Loveland Avenue, Manager of Paxton's Grill stated that he supported the downtown development but was concerned about how quickly traffic moved through downtown. He suggested the speed limit be reduced to 20 miles per hour. He also requested that the five, 20 minute, parking signs on Railroad Avenue be reduced to two signs to allow additional parking.

Mr. Zuch stated that he supported reducing the speed limit through downtown and asked staff to investigate the possibility. Mayor Weisgerber noted that the Police Department had used the mounted radar device to monitor traffic on W. Loveland Avenue and asked if the Chief had analyzed the results. Chief Sabransky stated that he would review the data and report back to Council.

**Approval of Minutes**

Vice Mayor Bednar moved to approve the minutes of the April 27, 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 unanimously carried.

**City Manager's Reports  
& Memorandums**

Memorandum 31  
Sidewalk Program Bid  
Award

This report detailed the bid results for the City-managed sidewalk program and recommended that a contract be awarded to Prus Construction.

Vice Mayor Bednar pointed out Prus Construction's bid was \$0.75 lower than the Engineer's estimate. He asked if the price would be the same for 2011. Mr. Carroll confirmed that the price would be the same for 2011.

Mrs. Cox requested an update on the sidewalk program. Mr. Carroll noted that 86 residents have opted to utilize the City-managed option and he expected that number to increase. He added that 20 to 30 residents have elected to do the repairs themselves.

Mr. Zuch estimated that one section of sidewalk was 20 sq. ft. Therefore, the cost to replace one section of sidewalk would be approximately \$115.00 or \$57.50 if a resident utilized the City-managed option and paid within 30 days. Mr. Zuch asked if staff knew the average number of sidewalk sections to be replaced for each household. Mr. Carroll estimated that 70% of the residents had five or fewer squares to replace.

Memorandum 32  
Councilmanic Worksheet

This memorandum provided status updates on four issues on the Councilmanic worksheet: approval of the quarterly financial report; Flower Show follow up; redevelopment/disposition of City and CIC owned property; and employee cost savings program.

Mr. Osborne announced that the closing for the Christman property had occurred and he provided a check in the amount of \$89,357.96 to the Finance Director. Mr. Carroll noted that the sale included the existing home and one acre of land. The Community Improvement Corporation still owns 10 acres, which is being reserved for a City park.

Mr. Braun thanked Mr. Osborne and City staff for their cooperation.

Memorandum 33  
Driveway Apron  
Resolution of Necessity  
and Sidewalk Appeal

This report accompanied a resolution of necessity to enable the City to oversee and manage the repairs of driveway aprons on behalf of residents in the Loveland Heights neighborhood. This action is possible because of the passage of Ordinance 2010-17 on April 6th.

Mrs. Cox asked if residents were given a deadline to file an appeal for driveway apron violations. Mr. Carroll stated that residents were notified of the driveway apron violations at the same time sidewalk violations were issued, which allowed for an appeal date of May 9th. Therefore, the appeal time has lapsed. He noted that an apron appeal would be handled differently than a sidewalk appeal. A driveway apron appeal would be handled by the Board of Zoning Appeals. Mr. Carroll added that that anyone could appeal a maintenance violation to the Board of Zoning Appeals.

Mrs. Cox stated that one address listed in the Exhibit was not on the resolution of necessity for sidewalk repairs. Mr. Carroll stated that he would verify that information and if that resident did not receive prior notice, the resident would have appeal rights.

**Committee Reports**

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

**Communications**

Mrs. Cox agreed that Tina Bunnell was an outstanding employee as stated in the letter from Karen M. Riesenber.

Mr. Fitzgerald referenced a note from David Camele praising the appearance of the garden at Veteran's Memorial Park. Mr. Fitzgerald thanked the Public Works Department for their hard work.

Mrs. Cox noted that at the last Board of Education meeting Basketball Coach Tim Partin was recognized for his 100<sup>th</sup> win. Also, Mrs. Cox's student government counterpart, Erin Randall, received the Edward Jones Award.

Mr. Elliott referenced the April Permit Report and initiated a discussion about the City's grass mowing requirements and how the City reacts to violations. He noticed that the volume of mowing violations seemed to be increasing. Mr. Carroll explained the process for notifying property owners of violations and confirmed that mowing violations were on the rise.

Mr. Elliott recommended the City work with the Loveland Ministerial Association to assist residents with mowing. Mr. Carroll stated that in some instances the Ministerial Association has assisted with property maintenance issues for those in need.

Mr. Osborne stated that many of the homes on the list were abandoned, pending foreclosure, or were bank-owned homes. He said the City had a great maintenance program and it was too early to hit the panic button.

Vice Mayor Bednar pointed out that two addresses, 420 Mohican and 225 Chestnut, didn't identify the violation. Mr. Carroll stated that he would discuss the violations with Mr. Young.

**Review of Councilmanic Worksheet**

Approval of Quarterly Financial Report

Vice Mayor Bednar moved to accept the quarterly financial report approved by the Finance Committee, seconded by Mr. Zuch. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes. The motion carried 7-0. The next quarterly financial report will be presented to Council on August 10<sup>th</sup>.

Flower Show

Mr. Carroll reported that Flower Show traffic was improved and lessened the impact on residents in the area. Staff agreed to continue working with Symmes Township in the future to insure the event had little impact on the residents of Loveland and requested the item be removed from the Councilmanic Worksheet.

Mrs. Cox moved to remove the Flower Show report from the Councilmanic Worksheet, seconded by Mr. Elliott. Roll Call: Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes. The motion unanimously carried.

Redevelopment / Disposition of City and CIC owned property

Mr. Osborne asked staff to provide an update on the Downtown Redevelopment and Job Creation Project. Mr. Carroll reported that the contactors will be installing the underground storm drainage as soon as the weather permits. He anticipated that the work would be completed by the end of the summer. The sidewalk expansion was also moving along as weather permits. He said that he was pleased with the pace of the work and thanked Public Works Director Scott Wisby for managing the project. The next update on this issue will be July 27<sup>th</sup>.

Employee Cost Savings Program

The next update on the Employee Cost Savings Suggestion Program was scheduled for July 27<sup>th</sup>.

**Old Business**

Mr. Elliott stated that he noticed that arrows were added to the crosswalk sign on Lebanon Road. He asked staff to contact former Assistant City Manager Jeff Wright to find out more about the solar powered crosswalk sign in Miami Township.

**New Business**

Resolution 2010-32  
Sidewalk Project Bid  
Award

Mr. Osborne introduced a resolution authorizing the City Manager to enter into a contract with Prus Construction for the installation of sidewalks for the City-managed sidewalk program in the Loveland Heights Neighborhood.

There being no further discussion, a roll call vote was taken: Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes. The motion carried adopting Resolution 2010-32.

Resolution 2010-33  
Resolution of Necessity  
Driveway Aprons

Mr. Osborne introduced a resolution of necessity by the City of Loveland as to the reconstruction and repair of driveway aprons within the City of Loveland.

At Mr. Elliott's request, Mr. Carroll explained that the attached exhibit listed the residents with driveway apron violations and the resolution provides residents the option of utilizing the City's contractor, Prus Construction, and our bid price.

Mrs. Cox requested that Council be provided with the section of the maintenance code that applied to this resolution.

Mr. Elliott stated that he would not be supporting the resolution because of the selective nature of the inspections. Mrs. Cox stated that she would also be voting against the resolution because it was unfair that the residents were only being provided a 10 percent discount if they assessed the repairs. She favored a 50 percent discount.

Mr. Carroll noted that the City did not have a reimbursement program for driveway aprons. Mr. Osborne stated that the apron reimbursement was prohibited under the ORC.

Mr. Fitzgerald stated that he was baffled as to why the City could not reimburse for driveway apron repairs. He thought it would be a home rule matter and asked Mr. Braun's office to review the statute and provide clarification to Council. Mr. Braun stated that he was happy to review the statute. He added that home rule should apply to many issues but it often doesn't.

Mr. Carroll stated that Council created home rule authority under Section 905.14 of the Loveland Code of Ordinances which now includes carriage walks and aprons. This resolution of necessity follows an ORC procedure but uses the authority that Council granted itself by passing Ordinance 2010-17.

Mr. Fitzgerald stated that by the enactment of Ordinance 2010-17 Council would have the authority to establish a program similar to the sidewalk program if so desired. Mr. Fitzgerald stated that Mr. Braun would not need to determine the level of authority needed to implement a driveway apron replacement program.

There being no further discussion, a roll call vote was taken: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, No; Elliott, No; Fitzgerald, Yes; Osborne, Yes. The motion carried 5-2 adopting Resolution 2010-33.

Resolution 2010-34  
Police Week

Mr. Osborne introduced a resolution declaring the week of May 9 – 15, 2010 as Police Week in the City of Loveland.

Mayor Weisgerber expressed his appreciation to the Loveland Police Department and read a portion of the resolution encouraging all residents to "observe Saturday, May 15, 2010, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds have lost their lives or have become disabled in the performance of duty."

Mr. Fitzgerald pointed out the officers in attendance were wearing black bands over their shields. Chief Sabransky stated that the department elected to wear the bands this week to honor peace officers that have died in the line of duty. He stated that approximately 160 peace offices die in the line of duty each year.

Mrs. Cox stated that when she rode along with Stg. Rahe she was given a different perspective of the job.

Mr. Zuch congratulated Chief Sabransky on the Lexipol article that was going to be published.

There being no further discussion, a roll call vote was taken: Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes. The motion unanimously carried adopting Resolution 2010-34.

Motion to Set Public Hearing for Sidewalk Appeal

Mr. Osborne moved to schedule a Sidewalk Appeal Board meeting on May 26, 2010 at 3 p.m. at 240 Oneida Drive, seconded by Vice Mayor Bednar. Roll Call: Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. The motion carried 7-0.

Political Activity Policy

Mr. Elliott referenced the recent Strauss and Troy invoice, which cited a charge for a political activity policy. Mr. Carroll stated that there was new case law regarding the rights of employees of a public agency involved in any political activity. The City wants to make sure the existing political policy is in compliance. Mr. Carroll stated that if the policy is revised a copy will be provided to City Council.

Reserves of Loveland

Mayor Weisgerber asked if Council wanted to discuss the possibility of a TIF Agreement for the Reserves of Loveland and the possibility of using funds from Fifth Third Bank toward recreation improvements.

Mr. Carroll referenced Memorandum 27, which discussed Fifth Third's verbal agreement to commit \$67,000 toward public improvements at the Reserves of Loveland, which were left unfinished by the developer. Four options have been presented to Council: litigation, special assessments, use General Fund money, or creation of a Tax Incremental Financing (TIF) district. He was concerned that the \$67,000 would not allow the City to complete the improvements and recommended that Council consider a TIF. Mr. Carroll stated that he has been working with Mr. Steger to determine how a TIF would perform. If Council wanted to pursue a TIF agreement, the City could approach Fifth Third to have the \$67,000 donated to recreation improvements. Or, if desired by the residents, Fifth Third could donate for parcel within the subdivision for a pocket park. Mr. Carroll stated that in his conversations with the residents, they were not in favor of a special assessment.

Mr. Fitzgerald noted that Mr. Carroll has had individual discussions about this issue with all Council Members and asked if there was a consensus from Council. Mr. Carroll stated that he had not reached a consensus from Council and Fifth Third was open to ideas but has not committed to this scenario.

Mr. Elliott asked what would happen if the City did nothing. He added that the City had not accepted the improvements. Mr. Braun replied that what typically happens in these situations is the City would complete the improvements and seek restitution from the developer. In this case, the developer doesn't have the funds to repay the City. Mr. Braun stated that he would be happy to review the development agreement to confirm the contractual language is present.

Mr. Carroll explained the development process that occurs for all subdivisions. Council approves a development agreement, which requires the developer to post a performance bond to ensure that the City doesn't get stuck paying for infrastructure improvements. He stated that the developer has breached the agreement and the City would have legal recourse if not for the bankruptcy.

Mr. Fitzgerald asked if this matter should be discussed in Executive Session since litigation had been mentioned. Mr. Braun advised Council to continue this discussion in Executive Session.

Argo

Vice Mayor Bednar announced that former police dog Argo was put to rest. He said that Argo was a great dog.

**Executive Session**

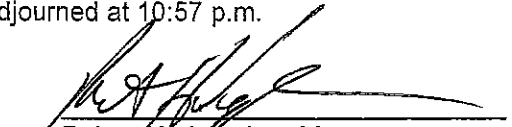
Mr. Osborne moved to adjourn to Executive Session under Ohio Revised Code Section 121.22 (G)(1) to discuss personnel; (G)(2) the purchase or sale of property; and (G)(3) pending or imminent litigation, seconded by Vice Mayor Bednar. Roll Call: Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion carried 7-0. Council adjourned to Executive Session at 9:25 p.m.

**Reconvene**

Vice Mayor Bednar moved to reconvene in regular session, seconded by Mrs. Cox. The motion carried by unanimous consent. The meeting reconvened at 10:56 p.m.

**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 10:57 p.m.

  
Robert Weisgerber, Mayor

  
Misty Cheshire, Clerk of Council