

**LOVELAND CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, February 23, 2010**

**Call to Order &
Pledge of Allegiance**

Mayor Weisgerber called the meeting of the Loveland City Council to order at 8:11 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, and Police Specialist Ray Shockey.

**Persons appearing
Before Council
Open Forum**

No one was scheduled to appear before City Council.

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

Approval of Minutes

Mr. Zuch moved to approve the minutes of the February 9, 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 9
Review of New Mayor's
Court Fine and Fee
Schedule

This report provided City Council with information on the impact of the new Mayor's Court fee and fine schedule which became effective on May 15, 2009. Staff was directed to complete this assessment at the time the new rate structure was put into place in 2009.

Council briefly discussed the OVI arrests based on the day of the week, with the highest number of OVI's on Saturday and Sunday. Chief Sabransky pointed out that the number for each day is affected by overnight arrests, i.e. Sunday's numbers are primarily based on arrests made after midnight on Saturday night.

Memorandum 10
Councilmanic Worksheet

This memorandum provides status updates on issues on the Councilmanic Worksheet, as well as a concern raised by Councilman Elliott at the February 9th Council meeting.

Mr. Zuch was encouraged to see the Flower Show Sponsors and Symmes Township cooperating with the City. He was also pleased to see that they would involve the Loveland Chamber of Commerce. Mrs. Cox asked if another Flower Show meeting was scheduled prior to the show. Mr. Carroll replied that the next meeting would be held after the Show on Monday, April 19th.

Vice Mayor Bednar asked if Loveland Officers would be directing traffic for the event. Chief Sabransky noted that additional parking would be available across the street from Symmes Park and buses will be loading and unloading in that area too. These two measures should alleviate traffic congestion but officers will respond as need. Because Lindenhall will be closed, officers will be available to help residents enter and exit the subdivision.

Mr. Osborne stated that he observed high traffic volumes on Lebanon Road between Loveland Avenue and Union Cemetery Road during rush hours last year due to delivery trucks. He asked if this was addressed during the meeting and suggested a moratorium be placed on deliveries during rush hours. Chief Sabransky stated that he would discuss this matter with Lt. Butler of Symmes Township.

Mr. Elliott referenced a section of the memorandum that discussed the incorrect special assessment enacted by Butler County, which will result in refunds to Butler County tax payers. Discussion ensued on the differences between fees, assessments, and taxes.

Mr. Carroll explained Loveland's stormwater utility fee, which was established in 2003, and identified several projects that were completed as a result of the fee. He also pointed out that the City has an appeal process in place for businesses and residents that feel their fees have been incorrectly calculated or if they have taken extraordinary stormwater measures on their property to prevent runoff into the watershed.

Mr. Fitzgerald discussed the federal, unfunded mandate under the Clean Water Act that required the City to implement a stormwater utility. As owners of the utility, Mr. Fitzgerald noted that Council has the opportunity to reassess and determine if fees are appropriate.

Mayor Weisgerber noted that the current storm water utility is \$4 per equivalent residential unit (ERU), per month. He noted that an ERU consists of 2,500 square foot of impervious surface.

Vice Mayor Bednar added that a board consisting of local business owners, school board members, and church representatives originally provided a recommendation to Council for a higher stormwater rate than was actually put into effect. He reiterated that the City has benefited from owning its own stormwater utility.

Memorandum 11
Final Field Assignment
Analysis (2009 Data)

This report provided a complete analysis of which entities provided fields to various recreation leagues in 2009 based on an audit of field schedules provided by the leagues. This report completed research previously presented to City Council in January and shows that the City provides playing fields proportional with our residents' level of participation in leagues.

Mr. Carroll noted that staff is trying to confirm baseball's numbers because the field use reported by the league seems to be lower than the 2009 field assignments by the City.

Mr. Osborne was curious if the baseball league was accounting for all property located in Miami Township. He was surprised to see that Loveland residents made up about 33% of recreation league participants in 2009, which is proportionate to the amount of fields being provided by the City.

Mayor Weisgerber noted that this information would be presented to the Recreation Board for further discussion. The Board will then discuss if user fees should be charged to the leagues and determine if the City should pursue other ways to reduce expenses and/or generate revenue streams to maintain the fields. Mr. Carroll noted that the next Recreation Board meeting would be held on March 8th.

based on these numbers (corrected 3-9-10)

Mr. Zuch stated that he didn't want to institute a play to pay fee in this economy. He suggested Council ^{keep a disciplined} review the budget and find money to put into the parks. Mr. Zuch asked if the athletic organizations would have to complete the in-kind grant application for non-profit organizations prior to receiving filed assignments. Mr. Carroll stated that the organizations would have to complete the forms and that information will be shared with the Recreation Board and City Council.

Committee Reports

There was no discussion on the Committee Reports submitted to City Council.

Mr. Fitzgerald noted that the Recreation Board meeting scheduled for February 22nd was canceled. In a communication it was noted that an element of the agenda wasn't ready to be presented and the Chairman was unable to attend. He didn't think it was appropriate for a meeting to be canceled just because one agenda item was not complete or if the Chairman would be out of town, when a Vice Chair could preside over the meeting.

Mr. Osborne stated that that individual boards or committee members had the option to cancel a meeting if they deem it appropriate.

Vice Mayor Bednar stated that he canceled the meeting because he was waiting for organizations to submit all of the data and thought it would be better to wait until all of the information was gathered before the Board discussed the pay to play concept.

Mrs. Cox noted that in the past the majority of committee members would determine if they wanted to continue or cancel a meeting if the Chairman was unable to attend.

Communications

Mr. Zuch asked if the City received 500 tons of salt last week. Mr. Carroll stated that the salt had been received.

Mr. Bednar thanked Mr. Steger for creating a new format for the financial reports.

Review of Councilmanic Worksheet

Approval of Quarterly Financial Report

Mayor Weisgerber noted that the last Finance Committee meeting was canceled due to the lack of a quorum. The meeting has been rescheduled for Thursday, February 25th. He suggested this update be delayed to the March 9, 2010, City Council Meeting. Council concurred.

Flower Show Summit

The next update on this item will occur after the Flower Show at the May 11, 2010, City Council meeting.

Crosswalk at Lebanon/Preakness/Arcaro

Mr. Osborne suggested this item be removed from the Councilmanic Worksheet.

Mr. Carroll noted that directional arrows pointing to the crosswalk would be added to the existing sign located on Lebanon Road at the Preakness/Arcaro intersection. Based upon an analysis conducted by the City, the signage recommended by Mr. Binford was not warranted at this location and would not comply with the Uniform Traffic Code. He noted that staff would continue to review the landscaping issues discussed at the January 26th meeting.

Mr. Fitzgerald asked the Solicitor if the sign being recommended by Mr. Binford was illegal, if so Mr. Fitzgerald stated that he would not support its installation. On the other hand, if the sign is legal, he would be in favor of installing the sign as a pilot project.

Mr. Klaine replied that the sign is not valid and has no legal import in the State of Ohio. He stated that the sign is for informational purposes only. Mr. Klaine said that the sign could potentially create a liability to the City if a pedestrian relied on a sign with no legal impact and was injured.

Mr. Osborne stated that he didn't think the sign should be installed. The City Engineer, Consultant, and legal counsel have all stated that the sign should not be installed.

Vice Mayor Bednar asked if the crosswalk sign in front of Shopper's Haven on Loveland Madeira Road was the same as the crosswalk sign on Lebanon Road at Preakness/Arcaro. Mr. Carroll thought the signs were the same at both locations but would need to verify that and report back to Council. Vice Mayor Bednar asked if the Loveland Madeira Road crosswalk was legal. Mr. Carroll stated that the City's signs have been reviewed and they are legal.

Mr. Carroll noted that there may be some intersections in the State of Ohio that would support the application of the sign provided by Mr. Binford but this is not the case on Lebanon Road at Preakness/Arcaro. Mr. Carroll stated that the City has thoroughly reviewed the merits of this sign at the Lebanon Road crosswalk and he did not intend to install the sign. He noted that Council has the ability to overrule his decision.

Mr. Klaine stated that he did not believe the sign was a legal sign permitted under the Ohio Traffic Code.

Mr. Osborne moved to remove the Crosswalk at Lebanon/Preakness/Arcaro item from the Councilmanic Worksheet and allow staff to review all issues regarding the line of sight at this crosswalk, seconded by Vice Mayor Bednar.

Mr. Elliott stated that he would be voting no on the motion and would be making a second motion that to have this matter deferred to the first meeting in April to discuss what other communities are doing and come up with another sign solution. (This motion was not made.)

Mr. Zuch noted that he lived near and was familiar with the crosswalk. He noted that Council had several options, such as reducing the speed limit, completely moving removing the islands, moving the crosswalk, and reducing vegetation to improve the line of sight for motorists. He stated that it would be appropriate to look at this issue again when it was time to repave Lebanon Road.

Mrs. Cox asked staff to identify other signs that would be appropriate at the Lebanon Road crosswalk. Mr. Carroll stated that the direction arrows will perfect the existing pedestrian signage. If staff becomes aware of other signage appropriate for this crosswalk they will report back to Council.

A roll call was taken on the motion. Roll Call: Elliott, No; Fitzgerald, No; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, No. The motion carried by a vote of 4-3.

Redevelopment/Disposition
of City owned Property

The next update on the redevelopment/disposition of City and Community Improvement Corporation (CIC) owned property was scheduled for May 11, 2010.

Old Business
Rockwood and Business
Enhancement Awards

Mayor Weisgerber explained the difference between the Louis G. Rockwood Community Service Award and the Business Enhancement Award. He reminded Council to cast their votes and return them to Mrs. Cheshire. Mayor Weisgerber noted that Council could vote for up to three nominees, ranking their choice from one to three, one being the best.

New Business

Mr. Zuch announced that the Loveland Class of 1985 will be celebrating their 25th Reunion on July 31st at Receptions Loveland and will include a weekend gala. The Loveland Mega Class Reunion will be held in 2011.

Mr. Zuch stated that he was encouraged to see the State of Ohio passing legislation to rename a portion of State Route 48 after Captain Seth Mitchell.

