

**LOVELAND CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, March 9, 2010**

**Call to Order &
Pledge of Allegiance**

Vice Mayor Bednar 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: Vice Mayor David Bednar, Linda Cox, Paul Elliott, Mark Fitzgerald, Todd Osborne and Brenton Zuch.

**Motion to Excuse a
Council Member**

Mr. Elliott moved to excuse Mayor Robert Weisgerber from the meeting, seconded by Mr. Zuch. Roll Call: Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Zuch, Yes; Bednar, Yes. The motion carried with a vote of 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, Deputy Police Chief Sean Rahe, Police Specialist Ray Shockey, Gabby Rohdenburg from the Lodge Retirement Community, Don Holmes and Amy Jones-Ellis from the Cincinnati Eye Institute.

**Persons appearing
Before Council
Open Forum**

No one was scheduled to appear before City Council.

Vice Mayor Bednar presented a proclamation to the Lodge Retirement Community proclaiming March 12th as World Glaucoma Day in the City of Loveland. Mrs. Rohdenburg noted that Dr. Brian Kuhlman would be presenting a lecture at The Lodge on March 12th at 1 p.m. to help spread awareness of glaucoma followed by screenings at 2 p.m. Mr. Holmes added that early detection was a key factor in preventing the disease.

Approval of Minutes

Mr. Zuch amended the minutes of the February 23, 2010, meeting to clarify two statements on page 2 in the last paragraph to read "Mr. Zuch stated that *based on these numbers* he didn't want to institute a pay-to-play fee in this economy. He suggested Council *keep a disciplined review* the budget and find money to put into the parks."

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

Mr. Osborne moved to approve the minutes of the February 27, 2010, City Council Goal Setting Retreat, seconded by Mrs. Cox. Roll Call: Fitzgerald, Yes; Osborne, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes. The motion unanimously carried.

**City Manager's Reports
& Memorandums**

Memorandum 12
Residential Sidewalk
Repairs in 2010

This report accompanied a resolution to start the process of enabling the City to undertake various sidewalk improvements if the residents so choose to have their sidewalks repaired by the City using this method. Residents may also have the sidewalks fixed using the City's sidewalk reimbursement program. Mr. Carroll explained the sidewalk inspection, reimbursement, and assessment programs.

Discussion ensued on a potential sidewalk expansion in front of Tano's Bistro and Catering and Blue Chip Cookies on West Loveland Avenue from Karl Brown Way to the bike path which would eliminate parking on that side of the roadway. Mr. Carroll noted that the \$35,000 project was funded in the 2010 budget with tax assessment revenue that the City may not be able to assess due to constraints

with the Ohio Revised Code, which does not allow the City to place an assessment on a property that has a pre-existing assessment.

Mr. Fitzgerald challenged staff and the City Solicitor to develop funding alternatives that would allow the project to be completed prior to Memorial Day. Mr. Osborne discussed the construction timeframe and funding for the project noting that the Community Improvement Corporation could finance and expedite the process. Mr. Carroll clarified that the construction of the sidewalk would take about one week; the problem was finding an approach to fund the project.

Concerns were raised about the volume of households in the Heights that need at least one or more sections of sidewalk replaced and the ability of property owners to make the repairs in the current economy.

Mr. Elliott asked the City Manager to explain the sidewalk inspection plan for the remainder of the community. Mr. Carroll referenced the sidewalk maintenance schedule that was provided to City Council in Memorandum 3, which provided a systematic approach to inspecting 200-400 residential properties per year, over several years, beginning with the older neighborhoods.

Council discussed the warning letters that were sent to the property owners in the Heights notifying them of the sidewalk inspections and explaining their maintenance responsibilities. Vice Mayor Bednar requested that a copy of the letter be provided to Council in their next packet.

Memorandum 13
Liquor Establishment
Reports

This report detailed police calls for service at Loveland's 22 liquor permit holders. From February 2009 to February 2010, there were 13 more urgent calls to nine different establishments. None of the calls were serious and the Loveland Police believe our liquor permit holders are acting very responsibly.

Staff recommended that rather than receiving an annual report on this topic, as has been done for the last two years that the Police Department bring specific concerns forward to City Council on an as-needed basis.

Memorandum 14
Reserves of Loveland
Subdivision

This memorandum briefed City Council on the status of the Reserves of Loveland, a partially completed subdivision with a financially struggling developer on the brink of bankruptcy. The City will likely have to step into the shoes of the developer to finish the public infrastructure in the subdivision.

Mr. Carroll stated that in December of 2009 staff learned that the remaining \$61,000 letter of credit had expired on July 1, 2009. This lapse is a breach of the development agreement but the developer is now financially unable to renew this letter of credit. The City Engineer revisited the estimate of remaining work and has determined that a current estimate of the remaining public improvements to be \$115,921. Fifth Third Bank now owns the vacant property and is trying to sell the lots but there is a cloud on the title.

Staff offered four options to complete the development:

1. Create a tax increment finance district (TIF).
2. Levy a special assessment tax against the properties in the subdivision.
3. Provide for public improvements from the General fund.
4. Pursue remuneration from the developer and the agency providing the irrevocable letter of credit.

Mr. Zuch stated that Loveland wasn't the only community dealing with foreclosures, short sales, and bankrupt developments. He discussed ways the City could remedy the situation and asked how staff planned to ensure that other letters of credit did not lapse. Mr. Zuch supported options 1 and 4 to complete the development.

Mr. Carroll identified five other non-dedicated subdivisions in the City with current irrevocable letters of credit: White Pillars; Sugar Tree Estates; Butterworth Glen; The Bluffs of Bares Creek; and The Sanctuary. The City has contacted the developers of White Pillars and the Sanctuary, who have current irrevocable letters of credit, to begin the process of renewing their letters of credit; if the letters are not received the City will seek a legal remedy. The other non-dedicated subdivision's letters of credit are still effective and are not due to expire for several months.

Mr. Fitzgerald reiterated the importance of taking steps to make certain letters of credit stay current and do not lapse. He supported options 2 and 4 as the City moved forward with the development of the Reserves of Loveland.

Mr. Klaine discussed the differences between a performance bond and irrevocable letter of credit. Mr. Carroll added that developers want their letters of credit reduced as quickly as possible to free up debt capacity allowing them to begin new projects.

Memorandum 15
Downtown Loveland Job
Creation Revitalization
Project, Ph. 1 Bid Award

This report detailed the bid results for phase one of the Downtown Loveland Job Creation Revitalization Project and recommended that a contract be awarded to Cox Paving, Inc.

Mr. Zuch stated that he looked forward to having additional parking in the downtown this summer.

Memorandum 16
Various Energy cost
Savings Projects

This memorandum provided information on three efforts underway to reduce energy costs or reduce energy consumption for the City of Loveland. These include: contracting with another provider for wholesale energy supply; installing a geothermal heating, cooling and ventilation system in City Hall; and installing solar panels at the City of Loveland's well field.

Mr. Zuch commended staff for their efforts to reduce energy costs and believed the solar energy idea was worth pursuing even though it may have some ups and downs.

Vice Mayor Bednar noted that he would be recusing himself from the discussion because he has relatives that work for First Energy, which could be a potential energy supplier for the City.

Committee Reports

Mr. Zuch pointed out that Paulette Leeper was not listed as being present at the February 25, 2010, Finance Committee meeting but was referenced later in the minutes. Mr. Zuch stated that Mrs. Leeper was in attendance at the meeting. Mr. Steger noted the correction.

Mrs. Cox pointed out that the Senior Citizen Committee has announced that the Senior Expo will be held on May 12th at Receptions Loveland. People interested in attending should contact Linda Keeley, Loveland Symmes Fire Department, at 583-3001.

Communications

Mr. Zuch noted that City Council received a copy of the LSF 2009 Annual Report and 2010 Strategic Plan in their packet. He asked Mr. Bednar to explain the term "move-up assist." Vice Mayor Bednar explained that a move-up assist occurred when a fire house is on a run and other firefighters are moved to the empty fire house to provide a backup for the City.

Review of Councilmanic Worksheet

Quarterly Financial Report

Mr. Osborne moved to approve the Quarterly Financial Report, seconded by Mr. Zuch. Roll Call: Osborne, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes. The motion unanimously carried.

Income Tax Contractual Services

Mr. Steger announced that the City Income Tax office was open Monday through Friday from 8:30 a.m. to 5:00 p.m. to assist residents with the preparation of their income taxes. Residents could also file by mail or electronically with RITA at www.ritaohio.com. The next update on income tax contractual services (RITA) was scheduled for April 27, 2010.

Old Business

There was no old business before City Council.

New Business

Code Supplement

Mr. Osborne introduced for first reading an ordinance to approve current replacement pages to the Loveland Codified Ordinances. There was no further discussion.

Resolution 2010-12
2010 City Council Goals

Mr. Osborne introduced a resolution establishing goals for the City of Loveland for the year 2010, reading it in its entirety.

Mrs. Cox pointed out a typographical error in goal one: the word "cost-effect" should be "cost-effective." Mr. Zuch moved to amend the resolution to incorporate the correction noted by Mrs. Cox, seconded by Mr. Osborne. Roll Call: Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes. The motion carried with a vote of 6-0.

The four goals established by City Council were:

1. The City shall seek to control its own destiny regarding the delivery of utilities to provide the most cost-effective and sustainable services to the ratepayers.
2. The City shall substantially advance the Downtown Revitalization and Job Creation Project, balancing financial requirements, sustainability and the community's long-term vision for historic Loveland.
3. The City shall continue its commitment to improve parks and recreational facilities by challenging our existing operating model, rigorously prioritizing needs, and creatively seeking alternative funding sources.
4. The City shall continue fulfilling its obligation to strong fiscal stewardship of taxpayer dollars through ongoing improvement in effectiveness of all operational and capital investments.

There being no further discussion, a roll call vote was taken on the amended resolution: Bednar, Yes; Cox, Yes Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Zuch, Yes. The motion unanimously carried adopting Resolution 2010-12.

Residential Sidewalk Repairs

Mr. Osborne introduced a resolution of necessity by the City of Loveland as to the reconstruction and repairs of sidewalks within the City of Loveland.

Mrs. Cox said that she was taken back by the number of households that are in need of sidewalk repairs and was uncomfortable voting to approve the resolution until Council received more feedback from the residents. She stated that she would not support this piece of legislation.

Mr. Carroll stated that he felt duty-bound to continue with enforcement with or without Council's adoption of the resolution of necessity.

Mr. Fitzgerald requested staff give a presentation to Council to better describe the violations. He also wanted to know the engineering standard being used to determine which improvements need to be made. Mr. Carroll stated that staff would provide the additional information requested by Council and emphasized the importance of completing this project in time to place assessments on the necessary properties before August. Delaying the assessment would defer the collection of tax revenue.

Council Members were interested in knowing how many linear feet of sidewalk would need to be replaced or a percentage of the total sidewalk that needed to be replaced for each residence.

Mr. Zuch asked staff to explain the appeal process available to the residents. Mr. Carroll stated that he was not aware of an appeal being made during his tenure with the City. Mr. Klaine noted that the City of Wyoming appointed three people to visit the site and determine if the engineer's decision was correct.

Mr. Osborne noted that he would be abstaining from the vote because his mother owned one of the properties listed in Exhibit A.

Roll Call: Cox, No; Elliott, No; Fitzgerald, No; Osborne, Abstain; Zuch, Yes; Bednar, Yes. The motion failed, 3-2.

Downtown Loveland Job
Creation and Revitalization
Project, Ph. 1 Bid Award

Mr. Osborne introduced a resolution authorizing the City Manager to enter into a contract with Cox Paving, Inc. for Phase One of the Downtown Loveland Revitalization and Job Creation Project.

Mr. Carroll noted that a concern was raised in November about proceeding with the installation of infrastructure prior to the completion of a development plan. City staff engaged McBride Dale Clarion to assess if the installation of the underground infrastructure would present a problem to the flexibility of future plan modification but the assessment was not completed in time for this meeting. Staff recommended this item be tabled to the March 23rd City Council Meeting and suggested that a pre-meeting workshop be held to discuss the assessment from McBride Dale Clarion.

Mr. Elliott moved to table the resolution authorizing the City Manager to enter into a contract with Cox Paving, Inc. for Phase One of the Downtown Loveland Revitalization and Job Creation Project, seconded by Mrs. Cox. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes. The motion carried with a vote of 6-0.

Mr. Osborne suggested the presentation from McBride Dale Clarion occur during the March 23rd regular meeting, not in a pre-meeting workshop. Council concurred.

Mr. Elliott requested to receive the assessment from McBride Dale Clarion as soon as possible to give Council the opportunity to thoroughly review the document. Mr. Carroll agreed to provide the document to Council as soon as it was finalized.

Resolution 2010-13
Energy Cost Savings
Projects

Mr. Osborne introduced a resolution authorizing the City Manager to enter into a contract for alternate supply of wholesale electric energy. There was no further discussion. Vice Mayor Bednar recused himself from the discussion and vote. Roll Call: Fitzgerald, Yes; Osborne, Yes; Zuch, Yes; Cox, Yes; Elliott, Yes. The motion carried by a vote of 5-0, adopting Resolution 2010-13.

Other New Business

Mr. Osborne commended two long-standing businesses in the City. The Loveland Dairy Whip opened on March 5th celebrating their 55th year of business in Loveland. Castle Skate Land has been in the community for over 35 years and has hosted national competitions and roller derbies, providing an economic boost to the Loveland community.

Mr. Elliott congratulated Loveland High School basketball coach Tim Partin on his 100th victory and another great season.

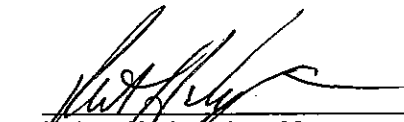
Mr. Zuch congratulated the Loveland swim team for having a great season and going to State. Mr. Elliott added that his son coaches the Wyoming varsity swim team and the boys came in second and girls came in seventh in State.

Mr. Zuch also welcomed Loveland's newest resident, the bald eagle, which has been sighted along the Little Miami River.

Mrs. Cox noted that Spring brush pickup is underway. The brush pickup schedule and requirements can be found on the City's website: www.lovelandoh.com.

Adjournment

There being no further business, Mr. Osborne moved to adjourn the meeting, seconded by Mr. Elliott. Roll Call: Osborne, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Fitzgerald, Yes. The motion carried. Vice Mayor Bednar declared the meeting adjourned at 9:53 p.m.


Robert Weisgerber, Mayor


Misty Cheshire, Clerk of Council