

**LOVELAND CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, September 22, 2009**

Call to Order & Pledge of Allegiance	Mayor Weisgerber called the meeting of the Loveland City Council to order at 8:02 p.m. The Pledge of Allegiance was recited.
Roll Call	Council Members Present: Vice Mayor David Bednar, Paul Elliott, Mark Fitzgerald, Joseph Schickel, Mayor Robert Weisgerber, and Brenton Zuch.
Motion to Excuse a Councilmember	Vice Mayor Bednar moved to excuse Councilman Todd Osborne, seconded by Mr. Elliott. Roll Call: Elliott, Yes; Fitzgerald, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion passed 6-0.
Recognition of Audience Members	Also Present: City Manager Thomas Carroll, Assistant City Manager Jeffrey Wright, Solicitor Frank Klaine, Clerk of Council Misty Cheshire; Assistant to the City Manager Amanda Stephany; Assistant Finance Director Harry Steger, Captain Huge Bomske, Police Chief Tim Sabransky, Executive Director of the Chamber Paulette Leeper, Former Clerk of Council Linda Cox, Assistant City Solicitor Joseph Braun, Loveland Library Branch Manager Joan Luebering, Chamber of Commerce President Brad Bauer, Pat Furterer, Dave Walsh and Police Specialist Ray Shockey.
Persons Appearing Before Council Loveland Library	Using a PowerPoint presentation, Joan Luebering, Loveland Library Branch Manager, discussed the importance of the Library system, the consequences of state budget cuts, and the prospects for the Library if the November levy fails.
Frog Festival	Loveland Area Chamber of Commerce President Brad Bauer promoted the Loveland Frog Festival, which will be held on Saturday, September 22 nd in Nisbet Park from 8 a.m. – 6 p.m.
Open Forum	Robert P. Hibig, reported that monorail systems are being considered for Cincinnati, Columbus and Cleveland. He offered his assistance in helping Loveland to bring the monorail system through the City. Dave Miller, 251 Wall Street, express concerns about the recent mowing, trimming, and cutting back of vegetation on the Simpson Farm that was completed by the Public Works Department. Mr. Miller stated that this property was intended to remain undisturbed and the City was violating the deed restrictions. Mr. Carroll stated that he would look into Mr. Miller's concerns.
Approval of Minutes	Mr. Fitzgerald moved to approve the minutes of the September 8, 2009 Capital Improvement Workshop, seconded by Vice Mayor Bednar. Roll Call: Fitzgerald, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes. The motion passed 6-0. Mr. Zuch noted a correction to the minutes of the September 8, 2009 City Council meeting on page one, third paragraph. He noted that CG&E didn't make repairs or hire contractors to make repairs; CG&E did energy improvements. Mr. Fitzgerald moved to approve the amended minutes of the September 8, 2009 City Council Meeting, seconded by Mr. Schickel. Roll Call: Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes. The motion carried with a vote of 6-0.

**City Manager's Reports
& Memorandums**

Memorandum 87
Sanitation Contract
Extension

This memorandum accompanied a resolution on the agenda, which, if passed, would extend the City's three-year contract with Rumpke for an additional year. Staff recommended the resolution be adopted by Council. There was no further discussion on this matter.

Memorandum 88
Outsourcing of the Printing
and Mailing of Utility Bills

This report described the process followed by staff in soliciting service providers for outsourcing the utility billing, printing, and mailing process to better utilize staff resources, enhance customer service, improve cash flow and comply with the Federal Red Flag Rule. There were no additional comments from Council.

Memorandum 89
Loveland Stage Company
Grant Request

Council was provided with several additional supporting documents as requested at the September 8th City Council meeting for the grant application from the Loveland Stage Company.

Vice Mayor Bednar moved to suspend the Rules of Council to allow a representative from the Loveland Stage Company to address Council, seconded by Mr. Schickel. Roll Call: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Schickel, Yes. The motion unanimously carried.

Discussion ensued on the amount of insurance coverage that would be obtained by the Stage Company once the renovations are complete. Dave Walsh from the Stage Company stated that their intent would be to update their policy to the maximum allowable coverage amount, which would be determined by the underwriter. Mr. Zuch requested that a copy of the final policy be provided to the City.

Mr. Fitzgerald moved to provide a \$25,000 grant to the Loveland Stage Company with a stipulation that the grant be divided into two portions: one portion of the funds should be earmarked for the installation of a sprinkler system in the costume storage area, the installation of an emergency door on the northside of the building, and façade improvements, the remaining funds may be used for the overall renovations of the building without restrictions, seconded by Mr. Schickel. Roll Call: Zuch, Yes; Fitzgerald, Yes; Schickel, Yes; Weisgerber, Yes. The motion carried with a vote of 4-0. Vice Mayor Bednar and Mr. Elliott recused themselves from the vote.

Mayor Weisgerber expressed his appreciation to the Stage Company for all the hard work that has gone into rebuilding and said that he was looking forward to their November presentation of Miss Saigon.

Memorandum 90
Councilmanic Worksheet
Updates

This memorandum provided City Council with an update on the progress made to the policies and procedures manual and the status of the Loveland City School District's response to the City's invitation to televise their meetings.

Mr. Zuch stated that the School Board had not responded to the invitation to televise their meetings, which could indicated they have no objections. Mr. Zuch moved to direct staff to make arrangements with ICRC to televise the Loveland School Board meetings. This motion died due to lack of a second.

Mayor Weisgerber stated that the City Solicitor would be reviewing the policies and procedure manual to determine if policies that inter-relate with staff and City Council should be covered under Council Rules rather within the personnel policies and procedures.

Committee Reports

There were no comments on the committee reports submitted to Council.

Communications

Mr. Zuch asked why the City received a letter from the Detroit Consulate General of Japan. Mr. Carroll speculated that the letter was generated because there is a Japanese company in Loveland, Amano of Cincinnati. He noted that the City worked with Amano to help them expand their business and have had contact with Japanese officials and ODOD officials. Mr. Zuch then welcomed Consul General Mr. Kazuhide Ishikawa to the United States.

Review of Councilmanic Worksheet

Staff was scheduled to provide updates on two items on the Councilmanic Worksheet: televising school board meetings and the policies and procedures manual.

The next update on televising school board meetings will occur on November 24th, after the election, when the new school board is seated.

Updates to the policy and procedures manual was removed from the Councilmanic Worksheet.

Mayor Weisgerber noted that six items are scheduled for updates on November 10th and asked staff to review these items to determine if they should be scheduled for another date. Mr. Zuch stated that the Flower Show Summit and Hillside Drainage/Debris on the Bike Trail updates can be delayed to the first of the year.

Old Business
Ordinance 2009-56
Administrative Fees

Vice Mayor Bednar introduced for second reading an ordinance establishing administrative fees and calculating actual costs for property maintenance code violations. There being no further discussion, a roll call vote was taken. Roll Call: Bednar, Yes; Elliott, No; Fitzgerald, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes. The motion carried with a vote of 5-1 adopting Ordinance 2009-56.

Ordinance 2009-57
Property Code Violation
Fees

Vice Mayor Bednar introduced for second reading an ordinance adopting fees for property maintenance code violations. Mr. Elliott believed these ordinances to be punitive in tough economic times, explaining why he would be voting no for both ordinances. Roll Call: Elliott, No; Fitzgerald, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion carried with a vote of 5-1 adopting Ordinance 2009-57.

Mr. Elliott referenced the comments made early in the meeting by Mr. Miller regarding the Simpson Farm. In a conservation area, he believed that less is more and in leaving no trace. Mr. Elliott witnessed the trimming and mowing at Simpson Farm and felt it was unjustified and didn't comply with the covenants. He asked Mr. Carroll to examine the area and the deed restrictions.

Mr. Fitzgerald stated that the City had a number of nature areas in the community and the City has to strike a balance between those who want to access the areas and those that believe the areas should be undisturbed. He stated that because this area was a farm, nature had been disturbed at some point. He agreed that the City needed to respect nature and the intent of the various restrictions but pointed out the City serves people. Mr. Fitzgerald stated that mowing, flailing and cutting back is not killing and cautioned Council against hyperbole.

Mr. Carroll stated that he would investigate the area and report back to Council. Mr. Carroll asked Mr. Elliott to report any misapplication of a policy or procedure by a City employee to him immediately so he may intervene and prevent further damage.

Vice Mayor Bednar wanted the City Manager to compare the trimming at the Simpson Farm to the maintenance performed at the East Loveland Nature.

New Business

Resolution 2009-58
Rumpke Contract
Extension

Vice Mayor Bednar introduced a resolution authorizing the City Manager to exercise the option of extending the waste collection contract with Rumpke Waste for an additional year to expire October 31, 2010. Mr. Carroll explained that the rates would increase about \$0.79 cents per month for residential customers. Roll Call: Fitzgerald, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes. The motion passed 6-0 adopting Resolution 2009-58.

Resolution 2009-59
Outsourcing Printing &
Mailing of Utility Bills

Vice Mayor Bednar introduced a resolution authorizing the City Manager to enter into a contract with DataImage for printing and mailing of utility bills for the City of Loveland. Mr. Carroll noted that the new billing method will comply with the Red Flag mandate. Next year the City will convert to a monthly billing cycle.

Mr. Fitzgerald asked if customers could elect to receive their bills electronically. Mr. Steger stated that the City didn't offer that service at this time but customers could pay their bills online. Mr. Carroll stated that the City would continue to look for ways to streamline the utility billing process.

Roll Call: Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes. The motion unanimously carried adopting Resolution 2009-59.

City Manager
Compensation

Vice Mayor Bednar introduced for first reading an ordinance increasing the compensation of City Manager Thomas M. Carroll. Mayor Weisgerber noted that this ordinance would provide the City Manager with a three (3) percent wage increase.

Clerk of Council
Compensation

Vice Mayor Bednar introduced an ordinance increasing the compensation of the Clerk of Council Misty Cheshire. Mayor Weisgerber reported that this ordinance would provide the Clerk of Council a three (3) percent wage increase on the Clerk portion of her salary. Mr. Carroll noted that Mrs. Cheshire's salary is divided between her Council duties (12%) and her Executive Assistant duties (88%).

Executive Session

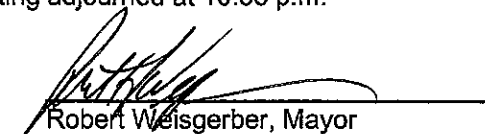
Vice Mayor Bednar moved to adjourn to Executive Session under Ohio Revised Code Section 121.22 (G)(1) to discuss personnel and 121.22 (G)(3) to discuss pending or imminent litigation, seconded by Mr. Zuch. Roll Call: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Schickel, Yes. The motion unanimously carried, Council adjourned to Executive Session at 9:37 p.m.

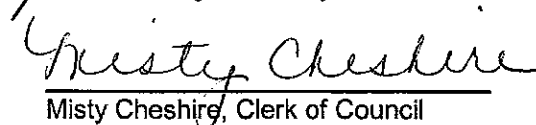
Reconvene

At 10:58 p.m., Mr. Elliott moved to reconvene in regular session, seconded by Vice Mayor Bednar. The motion carried by unanimous consent.

Adjournment

There being no further business. Mr. Elliott moved to adjourn the meeting, seconded by Vice Mayor Bednar. The motion carried by unanimous consent. Mayor Weisgerber declared the meeting adjourned at 10:58 p.m.


Robert Weisgerber, Mayor


Misty Cheshire, Clerk of Council