

**LOVELAND CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, October 13, 2009**

**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: Vice Mayor David Bednar, Paul Elliott, Mark Fitzgerald, Joseph Schickel, Mayor Robert Weisgerber, Todd Osborne, and Brenton Zuch.

**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 and Council candidate Linda Cox, Utility Billing Clerk Cynthia Tait, Former Council Member Peggy Goodwin, Former Mayor Donna Lajcak, and Police Specialist Ray Shockey.

**Persons Appearing
Before City Council**

Beautification Committee Members Becky Giver, Cindy Jones, Lynn Oury, Donna Bednar, Cynthia Tait, and Chair Peggy Goodwin, presented beautification awards to the following recipients:

- Best Overall Commercial Display – St. Columban Church
- Best Neighborhood Entryway – White Pillars Community
- Best Container Garden – Carl and Kathleen Margraf
- Best Window Box Display – Christopher and Angela Williams
- Best Whimsical Display – Michelle Lay
- Best Pocket Garden – Linda Davis
- Best Residential Entrance – Brenda Neff
- Spirit Award – Emmett Wagner

Mayor Weisgerber thanked the Committee Members for their hard work and for getting residents and businesses involved in making the City beautiful.

Open Forum

Donna Lajcak spoke about the history of the Nisbet Park renovations from 1990-1993 and made various maintenance recommendations.

Approval of Minutes

Mr. Fitzgerald moved to approve the minutes of the September 22, 2009 City Council Meeting, seconded by Mr. Schickel. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Abstain; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion carried with a vote of 6-0.

**City Manager's Reports
& Memorandums**

Memorandum 91
Fox Meadow Farms
Neighborhood Report

This report detailed follow up items from the City's meeting with the residents of the Fox Meadow Farms Neighborhood on September 17th. Mr. Fitzgerald wanted the engineering staff to resolve requests for crosswalk/traffic calming devices/signage at the intersection of Lebanon and Preakness/Arcaro.

Mr. Zuch commended Staff and Council Members for engaging residents during the neighborhood meetings and strengthening relationships between residents and the City.

Mr. Osborne referenced disruptions caused by the Cincinnati Flower Show. He suggested an Ad Hoc Committee be formed in 2010 to better market the City of Loveland during the Flower Show.

Memorandum 92
Recreation League
Donations

Throughout the summer, City Council, the Recreation Board and City staff worked to develop procedures for the City to make donations to not-for-profit organizations, and to develop procedures for the City to receive donations. Thus far, the City has received a total of six applications to give or receive donations. This memorandum provided background information regarding the applications received by the City.

Mr. Fitzgerald noted that the donations received from the leagues, while generous, seem to be specific to the activities of the leagues. He asked if the City planned to encourage donations or fees for use of fields, which would allow the City to build a fund and generate capital for general and comprehensive park improvements. Mr. Carroll replied that the City would be coming back to Council in the near future with concepts for revenue enhancements. Solicitation of donations or potential activity fees would be among the suggestions. He noted that he and Ms. Stephany have been researching the concept of "pay to play" for recreation leagues.

Mr. Zuch thanked all of the organizations that have made donations to the City to improve the City's fields/parks. He noted that many players using the fields are not residents of Loveland. He suggested Loveland residents, who already pay taxes to the City, be held harmless or have reduce expenses. Mayor Weisgerber agreed with Mr. Zuch's comments and encouraged staff and Council to lookout for the interests of Loveland residents.

Memorandum 93
December City Council
Meetings, 2010 Goal
Setting

This report requested that City Council set its December meeting dates and plan ahead into 2010 by setting a goal setting retreat date. By Charter, the new City Council shall be seated on the first Monday in December and Council has to meet twice monthly.

Mr. Fitzgerald moved to hold City Council meetings in the month of December on Monday, December 7th and Tuesday, December 15th, seconded by Vice Mayor Bednar. Roll Call: Fitzgerald, Yes; Osborne, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes. The motion carried 7-0.

Mr. Zuch suggested the retreat be held in a new location and consist of not only the goal setting session but include an overnight stay and team building. Mr. Osborne liked the idea but felt all Council meeting should be held within the City.

Council agreed to set the date for the 2010 goal setting retreat at a later date. Mr. Fitzgerald noted that he would be out of town February 13th.

Memorandum 94
Councilmanic Worksheet
Updates

This report updated City Council on two issues: the disposition of City owned property and the status of the Loveland City School District's response to the City's invitation to televise their meetings at no cost.

During a telephone conversation with Loveland Board of Education's President Dr. Kathryn Lorenz with Mayor Weisgerber, Dr. Lorenz thanked the City for the invitation but declined the offer because residents within the school district have not requested to have the meetings televised. Mr. Osborne stated that he was a citizen of the school district, as are all Council Members. He encouraged residents to call 683-5600 or go to www.lovelandschools.org and tell the School Board that you would like to see their board meetings televised.

Mr. Zuch stated that he didn't want to force the School Board to televise their meetings and wanted to build a good relationship with the Board. He was hopeful that in the future the Board and residents agree to televise the meetings. He encouraged residents to weigh-in with their opinions about televising School Board meetings by contacting the School Board.

Mr. Elliott stated that he has spoken to a School Board Member about his personal feelings but didn't think it was his role as a Council Member to advocate one way or the other on this matter. He stated that he would be happy to facilitate televising School Board meetings if the Board and residents were interested.

Vice Mayor Bednar suggested the City Manager or Mayor write a letter to Dr. Lorenz noting that the offer is available if they decided to televise their meetings in the future. During their conversation, Mayor Weisgerber conveyed to Dr. Lorenz that it was not his intention to force the broadcasting of Board meetings.

Mr. Zuch stated that the City could solicit input from residents in newsletters and on the City's website if the Board so desired.

Mr. Elliott pointed out that other City board/commission meetings could be broadcasted by ICRC. Mr. Osborne stated that City Council, the core of the City, has a commitment to openness and thought the School Board should hold themselves to the same standard. Mr. Zuch didn't oppose televising board/commission meetings but wondered if it would discourage volunteers from serving on boards/commissions.

On another matter, Mr. Carroll noted that the City will be posting the request for proposals (RFP) for the McCoy property later this week.

Memorandum 95
Downtown Project Update

This memorandum provided Council with a status update of the Downtown Job Creation and Revitalization Project.

Mr. Elliott asked the City Manger to explain prevailing wage rates and how prevailing wages effect funding and expenditures for projects.

Mr. Carroll described prevailing wage as a concept that requires a City to pay the union wage for a particular labor trade when a project is bid. The purpose of the prevailing wage law is to ensure unionized and non-unionized shops pay the same amount of wage, making sure a union shop is not at a disadvantage When bidding for a public contract. The prevailing wage requirement that the bond financing would require would not offset the financial benefits received from the financing mechanism.

Mr. Zuch voiced his concerns about prevailing wage requirements and encouraged state and federal legislatures to take into consider the best interests of tax payers not special interest groups. Mr. Zuch asked the City Manager to define an entitlement community. Mr. Carroll noted that an entitlement community has a population of over 50,000 and can receive funds directly from the Federal Government. Whereas, communities under 50,000 typically work through the county in which they reside. He added that Loveland works through Hamilton County.

Mayor Weisgerber stated that the prevailing wage requirement may in fact discourage some contractors from bidding on a project.

Memorandum 96
Senior Staff Transitions

The City has experienced a number of important staff retirements over the last three years, and two more retirements have been announced for early 2010: the retirement of Public Works Superintendent Larry Moreland at the end of February and the retirement of Finance Director Bill Taphorn at the end of April. This report conveyed plans to replace these seasoned staff members.

Memorandum 97
City Council Pay and
Benefits

Mr. Fitzgerald stated that there was not a princelier public servant than Larry Moreland and his pay is nowhere near the value he has provided to the community. "He will be missed come February."

City Council last adjusted its compensation in 1993, and a seated Council cannot increase its own compensation. As the City's benefits become more complicated to reflect changes in healthcare. For many years, Council Members have been offered the option of taking City health insurance, warranting a broader discussion of City Council pay and benefits.

Mr. Osborne stated that he didn't use the City's insurance plan. He thought that Council salaries be a set dollar amount and be adjusted on a yearly based upon the cost of living or a set percentage. He thought any pay increase should be reflected in a Council Member's salary not insurance benefits.

Mayor Weisgerber explained the proposal, which would include a flat dollar amount increase that could be applied to a health savings account, deferred compensation, or donated to a Loveland-based charity.

Vice Mayor Bednar noted that the Finance Committee reviewed this issue six years ago and recommended an increase to Council Members pay with a built in cost of living adjustment, the matter was later dropped by Council.

Mr. Zuch stated that it was political suicide for a politician to give himself a raise, especially in a time when many people are losing their jobs, experiencing salary freezes, or having their wages cut. Mr. Zuch stated that he was on the Finance Committee, prior to being on Council, when this issue was discussed and the entire Committee supported the pay increase at that time. He felt that after 16 years it was time to adjust the salaries of Council Members.

Mayor Weisgerber explained that depending upon when, and if, Council takes action to implement an increase, the increase would not occur until 2011 or 2013 (if the legislation is adopted after the November 2nd election), allowing each Council Member to go before the voters.

Mr. Carroll explained that the City was converting to a high deductible healthcare plan to provide benefits and save tax payers dollars but the new plan no longer made sense for Council Members who opt to receive health insurance through the City. Therefore, staff recommended offering future councils additional compensations.

Mr. Elliott questioned if the City's insurance package was considered compensation. He also questioned the disparity of compensation for Council Members that are on the City's insurance compared to Council Members that do not take advantage of the City's health plan. Mr. Fitzgerald asked the City Solicitor to determine if the insurance package is a benefit or additional compensation. Mr. Carroll added that insurance benefits are offered equally to all Council Members and it was their choice whether or not to enroll.

Mr. Osborne requested to see the Finance Committee's recommendation from 2002. Mr. Zuch wanted the Finance Committee to review this memorandum, (Memorandum 97) and make comments on staff's recommendations. Mayor Weisgerber wanted to have the Finance Committee's recommendation in time for the October 27th Council Meeting.

Mr. Elliott wanted to be sure the Finance Committee had a complete understanding of the new proposal. He stated that he didn't think a salary increase

	<p>was necessary and felt that he was paid adequately for the work he does on City Council.</p>
Legal Billing Error	<p>Mr. Fitzgerald pointed out an error on the last billing statement received from Strauss and Troy concerning the agreed upon hourly rate for general City of Loveland work. Mr. Klaine acknowledged the error and assured Council that a corrected invoice would be forwarded to the City.</p>
Committee Reports	<p>There were no comments on the committee report provided to City Council.</p>
Communications Voting Precincts	<p>Mr. Zuch announced that Council received a notice that some voting precincts in Hamilton County may have changed. Staff agreed to follow up with the Board of Elections to ensure that all affected residents are notified of their new polling locations. Mr. Klaine believed that Hamilton County had sent polling notifications to all residents.</p>
Loveland Brochure	<p>Mr. Zuch referenced a brochure that was created by Rebeka Russell, an 8th grader from St. Williams School in Euclid, Ohio, as part of a class project. He thanked Ms. Russell for selecting Loveland and confirmed that Loveland it is "a happy place", as well as a great place to grow up and live. He suggested the City try to find a use for Ms. Russell's brochure. In light of Mr. Osborne's earlier comments, Mr. Fitzgerald noted that Mrs. Cheshire advised Ms. Russell in a letter that she could view the Council Meeting by going to www.icrctv.com. He suggested the Mayor recognize Ms. Russell's efforts.</p>
Review of Councilmanic Worksheet	<p>The next update on the redevelopment/disposition of City and CIC owned property will occur on December 15, 2009.</p>
Old Business Ordinance 2009-60 City Manager Compensation	<p>Mr. Osborne introduced for second reading an ordinance increasing the compensation of City Manager Thomas M. Carroll.</p> <p>Mr. Fitzgerald suggested the legislation be amended to include an emergency clause allowing Mr. Carroll's raise to take effect immediately since his pay increase will be retroactive to the first of the year.</p> <p>Mr. Fitzgerald moved to amend the ordinance to adopt the legislation by emergency measure, seconded by Mr. Osborne. Roll Call: Osborne, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, No; Fitzgerald, Yes The motion to amend the ordinance passed 6-1.</p> <p>Mr. Elliott stated that he would be voting against this legislation to hold back expenses for the City.</p> <p>Mr. Zuch stated that he was sympathetic with people that have not received an increase in their income but would be voting yes on this ordinance, which was a symbolic vote of confidence because the City Manager has found opportunities to keep rates low, to grow Loveland's economy, and enhance the City's tax base.</p> <p>Vice Mayor Bednar pointed out that all other City employees received a raise in January of 2009 and didn't think it was appropriate to cut one person's salary to reduce costs.</p> <p>A roll call vote was taken on the amended ordinance: Schickel, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, No; Fitzgerald, Yes. Ordinance 2009-60 was adopted by a vote of 6-1.</p>

Ordinance 2009-61
Clerk of Council
Compensation

Mr. Osborne introduced for second reading an ordinance increasing the compensation of the Clerk of Council Misty Cheshire. There was no further discussion. Roll Call: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes;

Fitzgerald, Yes; Osborne, Yes Schickel, Yes. Ordinance 2009-61 was adopted by a vote of 7-0.

New Business
Director of Finance
Appointment

Mr. Osborne introduced a resolution appointing Harry Steger Director of Finance effective April 30, 2010. Mr. Elliott moved to table this resolution, seconded by Mr. Fitzgerald. Roll Call: Zuch, Yes; Bednar, No; Elliott, Yes; Fitzgerald, Yes; Osborne, No; Schickel, Yes; Weisgerber, Yes. The motion passed 5-2.

City Council Benefits

Mr. Osborne introduced for first reading an ordinance changing the option of benefits for City Council Members. There was no further discussion.

Trick-or-Treat Hours

Mayor Weisgerber announced that Loveland's trick-or-treat will be held on Saturday, October 31st from 6 – 8 p.m.

Executive Session

Vice Mayor Bednar moved to adjourn to Executive Session under Ohio Revised Code Section 121.22 (G)(1) to discuss personnel; 121.22 (G)(2) to discuss the sale or purchase of property; and 121.22 (G)(3) to discuss pending or imminent litigation, seconded by Mr. Fitzgerald. Roll Call: Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes. The motion unanimously carried, Council adjourned to Executive Session at 9:52 p.m.

Reconvene

At 10:47 p.m., Vice Mayor Bednar moved to reconvene in regular session, seconded by Mr. Fitzgerald. The motion carried by unanimous consent.

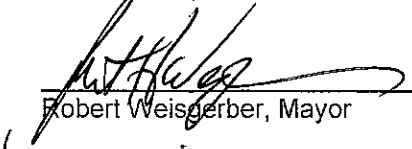
Resolution 2009-62
Director of Finance
Appointment


Mr. Zuch moved to remove from the table the resolution appointing Harry Steger Director of Finance effective April 30, 2010, seconded by Mr. Fitzgerald. Roll Call: Fitzgerald, Yes; Osborne, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes. The motion passed 7-0.

There being no further discussion a roll call vote was taken on the resolution. Roll Call: Osborne, Yes; Schickel, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes. The motion carried by a vote of 7-0 adopting Resolution 2009-62.

Adjournment

There being no further business. Mr. Osborne moved to adjourn the meeting, seconded by Mr. Schickel. The motion carried by unanimous consent. Mayor Weisgerber declared the meeting adjourned at 10:51 p.m.


Robert Weisgerber, Mayor


Misty Cheshire, Clerk of Council