

**LOVELAND CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, December 15, 2009**

**Call to Order &
Pledge of Allegiance**

Mayor Weisgerber called the meeting of the Loveland City Council to order at 8:03 p.m. The Pledge of Allegiance was recited.

Roll Call

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

**Motion to Excuse a
Council Member**

Vice Mayor Bednar moved to excuse Councilman Mark Fitzgerald, seconded by Mr. Zuch. Roll Call: Cox, Yes; Elliott, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion passed 6-0.

**Recognition of Audience
Members**

Also Present: Loveland School Superintendent Dr. Kevin Boys, Executive Director of the Loveland Chamber of Commerce Paulette Leeper, City Manager Thomas Carroll, Solicitor Frank Klaine, Clerk of Council Misty Cheshire, Finance Director Bill Taphorn, Assistant Finance Director Harry Steger, Police Chief Tim Sabransky, Captain Sean Rahe, Chaplin Bill Hounshell, and Police Specialist Ray Shockey.

**Persons appearing
Before Council
Oath of Office**

Mr. Carroll recognized Jason Brock and Bill Eubanks who were recently appointed Maintenance Crew Leaders. Both gentlemen went through a 21 week rotation to try out the position, which is a working foreman position that oversees the day-to-day operation and crews to support the Director of Public Works. The competitive process included 5 individuals within the organization. Solicitor Klaine administered the oath of office to Jason Brock and Bill Eubanks.

Proclamation

Mayor Weisgerber presented a proclamation to Dr. Kevin Boys, Loveland School Superintendent. Mayor Weisgerber thanked Dr. Boys for all the work he has invested into the Loveland School District and congratulated him on his new position as President of Southern State Community College.

Dr. Boys thanked the City and community for being such an important part of his life both as Superintendent and resident of the School District. He said that he had been blessed to be a part of the Loveland Community. He encouraged Council to continue their work and strive to improve relationships with the School Board.

**Board, Committee, and
Commission Recognition**

Mayor Weisgerber presented Commission, Committee, and Board members with a ceremonial gift of one dollar in appreciation of their service to the community. Terrie Puckett, Nicole Jordan, Paulette Leeper, Lynn Oury, Cynthia Tait, Paul Miklos, Norman Neal, Joseph Ciaramitaro, Kevin Boys, John Rost, Gary Stouder, Jim Hoover, Gabbie Rohdenburg, Rev. Bill Hounshell, Gary Benesh, and Lisa Dierling were in attendance. Peggy Goodwin, Carolyn Bingaman, Patricia Furterer, and Dick Schaefer donated their dollar(s) to the Loveland Interfaith Effort (LIFE).

Open Forum

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

Approval of Minutes

Mr. Elliott moved to approve the minutes of the November 24, 2009 City Council Meeting, seconded by Vice Mayor Bednar. Roll Call: Elliott, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes. The motion carried.

**City Manager's Reports
& Memorandums**

Memorandum 115

Downtown Land Acquisition
Financing Note Rollover

Vice Mayor Bednar moved to approve the minutes of the December 7, 2009 City Council Organizational Meeting, seconded by Mr. Osborne. Roll Call: Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes. The motion carried with a vote of 6-0.

On the agenda for Council's consideration were five ordinances to secure financing for the note rollover for the properties acquired for the Downtown Revitalization and Job Creation Project and the Christman Farm. These notes need to be refinanced before they mature on February 24, 2010. There was no further discussion.

Memorandum 116

Proposed Amendments to
Legislation Introduced on
November 24, 2009

This memorandum included proposed amendments to the 2009 reappropriations and 2010 appropriation ordinances introduced at the November 24th Council meeting. The versions of these ordinances submitted to Council on November 24th did not have the necessary transfers out of the Water Capital Improvement Fund to the Water Operations Fund, which were contemplated in the budget process. There was no further discussion.

Memorandum 117

Councilmanic Worksheet

This memorandum provided a status update on the disposition of various City or Community Improvement Corporation properties and the conversion to the Regional Income Tax Agency.

Mrs. Cox asked if the McCoy Request for Proposals (RFP) had been added to the City's website. Mr. Carroll noted that the RFP had been added to the website but the link had been cut during maintenance of the website. The link has been recreated and the document is available on the website once again.

Christman

Mr. Zuch referenced the ~~Christmas~~ Farm rankings on the activity report that was provided to City Council. He noted that many comments indicate that the home needs work and he wanted the City to explore opportunities to improve the appearance of the home and bring it closer to the value of a newer home.

Committee Reports

No comments were made on the committee report that was provided to City Council.

Communications

Bibelhausen Thank You

Mrs. Cox referenced a communication from Donna Whalen to Chief Sabransky pertaining to the efforts of Officer Kyle Bibelhausen who helped reunite Ms. Whalen with her father. Mrs. Cox directed the City Manager to send Officer Bibelhausen a letter of appreciation and place a copy of the letter in his personnel file.

Financial Report

November 2009

Mr. Zuch stated that the financial report submitted by Mr. Taphorn references accounting anomalies that pertain to moving funds from one account to another. In light of the upcoming transition, Mr. Zuch requested that Mr. Taphorn clear up any anomalies before the end of the year.

208 Water Quality

Management Report

Mr. Zuch discussed the letter from OKI Regional Council of Governments pertaining to the "208" Water Quality Management Plan and asked if the City should be concerned about changes in boundaries or authority. Mr. Carroll stated that the City should be cautious on how its authorities could be potentially changed or compromised. He noted that 208 districts were set up in mid-1970's to try and create a rational basis for creating sewer treatment plants throughout the country. The program is part of the Clean Water Act and promotes programs to control water pollution in specific geographic areas. He noted that Loveland was the designated management agency for our facility planning area. Mr. Carroll stated that in other parts of the country the 208 boundaries have been largely ignored

LSFD Department
Compliments

and in more recent times the 208 boundaries have been used to thwart or facilitate growth. He felt it was important for the City of Loveland to have a seat at the table during the planning process and represent the City's interests carefully.

Mrs. Cox noted that Chief Huber received a letter from Jeff Klein, Perrysburg Fire Chief, who recently visited the LSFD Station 6. Chief Klein complimented the firefighters and the overall appearance of the facility. Mrs. Cox directed the City Manager to write a letter of commendation to Lt. Tom Benjamin.

**Review of Councilmanic
Worksheet**

CIC

Income Tax Contractual
Services (RITA)

The next update on the redevelopment/disposition of City and Community Investment Corporation (CIC) owned property will occur on February 23, 2010.

The next update on income tax contractual services (RITA) will occur on January 26, 2010.

Mrs. Cox stated that she received a letter from RITA and assumed that other residents had also received letters from RITA. She asked if the City had received any feedback from residents. Mr. Steger replied that the majority of calls received by the City were from residents questioning the validity of the letter.

Mayor Weisgerber asked if the City website included information about the letter and phone numbers for residents to call if they had questions. Mr. Carroll stated that there was information on the City's website and more information would be included in the winter newsletter.

Mr. Elliott asked Mr. Steger to explain the differences that the average tax payer will experience. Mr. Steger noted that RITA utilizes a standardized tax return which will be different from Loveland's. Residents will mail their returns to a different address. The City will continue to assist residents who need help preparing their returns and will accept returns at City Hall if residents do not want to mail the forms directly to RITA. He noted that most tax preparers are partnered with RITA and will be able to file the returns electronically.

Mayor Weisgerber asked if the City would continue to provide the tax preparation tool on our website. That tool will no longer be available on the City's website. Mr. Steger stated that residents could login to their RITA account and file their return electronically.

Vice Mayor Bednar asked if residents could use their credit or debit cards with RITA and if so would there be additional charges for that service. Mr. Steger stated that RITA did not charge additional fees for credit or debit card usage; any fees generated for that service are absorbed into the overall operational costs. Vice Mayor Bednar asked if credit card transactions would be a charge or cash advance. Mr. Steger said that he would have to research that question and report back to Council.

Mr. Zuch asked if RITA is linked to Turbo Tax. Mr. Steger replied that RITA has not partnered with Turbo Tax.

Employee Cost Savings
Suggestion Program

Mayor Weisgerber suggested an item be added to the Councilmanic Worksheet. He wanted the City to implement a suggestion program that would reward employees who identify cost savings measures for the City.

Council discussed the advantages of instituting such program. Mr. Carroll suggested that staff come back to Council on February 10, 2010, with a report on this concept.

Mr. Elliott asked if the public input should be considered in the program. He thought employees should always be working to find ways to save money for the tax payers without expecting a bonus.

Mr. Osborne thought it was a good idea to incentivize employees to recommend or suggest cost savings methods or procedures. He said these types of programs are used in the private sector and didn't see any reason why it should not be implemented in the public sector. Mr. Osborne added that the public has input when electing City Council members.

Mr. Carroll stated that he would always welcome and encourages resident input on ways to save money or improve services. Mr. Carroll stated that incentive programs are typically not for management employees but would benefit frontline employees and have proven to be beneficial to companies.

Mr. Elliott stated that everyone could learn a lesson from watching the movie *Bridge on the River Kwai*, which encouraged team work no matter how small the contribution, there was no financial reward. Mr. Elliott stated that sometime he felt that Council lost sight of whose money they were managing.

Mayor Weisgerber stated that he clearly understood whose money the City managed and clearly understood the duties of a City Council Member. He stated that he has never thought of City funds as Council's money. Council's job is run a corporation that benefits the residents of the community. Council is tasked to take actions accordingly while keeping the best interests of the community in mind. Mayor Weisgerber stated that he tries to serve the interest of the community to the best of his abilities.

Mrs. Cox stated that she received a letter from Mr. Hoover in her packet concerning a ditch adjacent to Pewter Court in the White Pillars Subdivision and wanted staff to follow up with Mr. Hoover. Mayor Weisgerber stated that he planned to discuss the letter under new business. Mr. Carroll stated that he would provide a written report to Council on January 12th and would respond to Mr. Hoover's letter.

Although the area is compliant with the City Code, Mr. Osborne stated that the developer needed to address drains which appear to be unsafe for a small child or animal. He suggested the City hold the developer's bond until this matter is resolved.

Old Business

Ordinance 2009-77
Amendment to Chapter
115 of the Loveland Code
of Ordinances

Mr. Osborne introduced for second reading an ordinance amending Chapter 155 of the Loveland Code of Ordinances to provide for fringe benefits and working conditions and other special provisions for permanent full-time, non-union employees of the City of Loveland. There was no further discussion. Roll Call: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Osborne, Yes. The motion carried with a vote of 6-0, adopting Ordinance 2009-77.

Ordinance 2009-78
2010 Amendment to
Salary Ceilings and
Position Classifications

Mr. Osborne introduced for second reading an ordinance amending the salary ceilings and position classifications of non-union City employees for 2010 by three percent.

Mr. Elliott stated that he would be voting against the 3% raise due to the current economic climate. Mr. Carroll noted that the entire aggregate cost of salaries for 2010, with a 3% pay increase, is equivalent to 2007 or 2008 level. Although wages have gone up, the City has reduced the number of employees and has taken cost containment measures to hold the line on costs.

Mayor Weisgerber pointed out that the ordinance before City Council included a 3% pay increase and lists the Financial Analyst position as a Class VI. Staff recommended that the Financial Analyst position be returned to a Class VII.

Mr. Zuch noted that the Police Department's contract called for a 3% raise and he didn't think it was fair that some employees receive a 3% raise while the rest of the employees receive a lower percentage. He noted that a 3% raise equates to \$30,000, which was a miniscule portion of the City's budget.

Mr. Zuch moved to amend the ordinance to return the Financial Analyst position to a Class VII and reclassify the existing Administrative Assistant I position to an Accounts Payable Clerk, Class V position. The motion died for lack of a second.

Mrs. Cox felt that all employees should receive the same pay increase that was being offered to the Police Department, 3%. She noted that the City Manager and Clerk of Council received a raise in 2009 and Council would receive a raise in two years.

Mayor Weisgerber asked the City Manager if it made sense to reevaluate the position in 4 to 6 months. Mr. Carroll stated that Council had the authority to reevaluate the position but that would be a less preferred route from a Human Resource standpoint because someone could actually be working out of their classification. If the position is established as a Class VI the job duties must fit the classification.

Mayor Weisgerber stated that Council didn't have the option to do a provisional position. Mr. Klaine agreed.

Mrs. Cox asked if Council could create a position class between the existing Class VI and VII. Mr. Carroll stated that it was possible to create a new classification. He noted that job classifications are determined through a job audit or job creation process. There are different job duties and responsibilities for each classification. Mr. Carroll noted that the Financial Analyst job description was written at a Class VII level, which would have equivalent duties and responsibilities of the Assistant to the City Manager or the Executive Assistant to the City Manager. He noted that the job description would change if the Financial Analyst position remained a Class VI.

Mr. Carroll noted that staff had been talking about this position throughout the entire RITA process. Mr. Carroll pointed out that the City's plan was to down grade the Assistant Finance Director position to a lower classification and save tax payer money because the new position would have less responsibilities and duties than that of an Assistant Finance Director.

Mr. Zuch asked who would assume the duties of the Financial Analyst if the position was downgraded. Mr. Carroll stated that the job duties would be assumed by himself or Mr. Steger. Mr. Zuch asked if the Administrative Assistant I, Class VI, position could be downgraded to an Accounts Payable Clerk position, Class V, independently from the Financial Analyst position. Mr. Carroll agreed that the position could be downgraded independently and recommended that Council reclassify that position.

Mr. Zuch moved to amend the ordinance to reclassify the Administrative Assistant I, Class VI, to an Accounts Payable Clerk position, Class V, seconded by Mr. Osborne. Roll Call: Zuch, Yes; Bednar, No; Cox, No; Elliott, No; Osborne, Yes; Mayor Weisgerber, Yes. The motion failed 3-3.

Mr. Osborne moved to strike the Financial Analyst position from the ordinance, seconded by Mrs. Cox. A discussion ensued to make sure all current full-time employee positions were accounted for should the Financial Analyst position be eliminated.

Mr. Zuch moved to amend the motion on the table to change Section 4 of the ordinance to read "the City Manager will not promote the Financial Analyst position until otherwise authorized by City Council", seconded by Mr. Osborne.

Mayor Weisgerber pointed out that the motion on the table eliminates the Financial Analyst position and the proposed amendment references the Financial Analyst position. Mr. Zuch said that he didn't want to eliminate the Financial Analyst position; he wanted to address the appointment of the position. Mayor Weisgerber asked the Solicitor for clarification. Mr. Klaine stated that he was confused by the discussion. Mr. Osborne then withdrew his second on the motion made by Mr. Zuch to amend Section 4 of the ordinance. Mr. Zuch then withdrew his motion to amend Section 4.

Mr. Osborne called for the motion to remove the Financial Analyst position from the ordinance. Roll Call: Bednar, No; Cox, Yes; Elliott, Yes; Osborne, Yes; Weisgerber, No; Zuch, No. The motion failed 3-3.

Mr. Osborne called for the question. Mayor Weisgerber stated that the vote will be taken on the ordinance as read, which was amended at the November 24th meeting to reclassify the Financial Analyst position from a Class VII to a Class VI. Roll Call: Cox, Yes; Elliott, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion carried 6-0 adopting Ordinance 2009-78.

Ordinance 2009-79
Reimbursement for Capital Expenditures

Mr. Osborne introduced for second reading an ordinance delegating authority to make declarations of official intent and allocations with respect to reimbursements of temporary advances during 2009 and 2010 made for capital expenditures for capital improvements in the City to be made from subsequent borrowings. There was no further discussion. Roll Call: Elliott, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes. The motion carried with a vote of 6-0, adopting Ordinance 2009-79.

Ordinance 2009-80
Revisions to the 2009 Appropriations

Mr. Osborne introduced for first reading an ordinance to make revisions to appropriations for expenditures of the City of Loveland, State of Ohio, during the fiscal year ending December 31, 2009.

Mr. Osborne moved to amend the ordinance to account for a transfer between the Water Capital Fund and the Water Operations Fund to ensure the Water Operations Fund is balanced, seconded by Mrs. Cox. Roll Call: Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes. The motion carried 6-0.

There being no further discussion, a roll call vote was taken on the amended ordinance: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Osborne, Yes. The motion unanimously carried adopting Ordinance 2009-80.

Ordinance 2009-81
2010 Appropriations

Mr. Osborne introduced for first reading an ordinance setting forth and authorizing appropriations for the 2010 fiscal year.

Mr. Osborne moved to amend the ordinance to account for a transfer between the Water Capital Fund and the Water Operations Fund to ensure the Water Operations Fund is balanced, seconded by Mrs. Cox. Roll Call: Zuch, Yes;

Bednar, Yes; Cox, Yes; Elliott, Yes; Osborne, Yes, Weisgerber, Yes. The motion carried 6-0.

There being no further discussion, a roll call was taken on the amended ordinance: Bednar, Yes; Cox, Yes; Elliott, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. The motion unanimously carried adopting Ordinance 2009-81.

Christmas Tree Pickup

At Mr. Osborne's request, Mr. Carroll reported that Christmas tree pickup will begin on the first business day following Christmas and continue through the first week of January. Residents can leave their tree on the curb or call 683-0150 and provide their address to Linda Newland who will send a truck by to pickup the tree. The trees will then be composted rather than being deposited in a landfill.

Addition to Councilmanic Worksheet.

Vice Mayor Bednar moved to add an item to the Councilmanic Worksheet: On July 13, 2010 a review of the Financial Analyst position and its validity to be reclassified as a Class VII position, seconded Mrs. Cox. Roll Call: Cox, Yes; Elliott, No; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion carried 5-1.

New Business
Note Issuance
\$250,000

Mr. Osborne introduced for first reading an ordinance providing for the issuance of \$250,000 of renewal bond anticipation notes by the City of Loveland, Ohio, for the purpose of property acquisition for municipal purposes. There was no further discussion.

Note Issuance
\$418,000

Mr. Osborne introduced for first reading an ordinance providing for the issuance of not to exceed \$418,000 of bond anticipation renewal notes by the City of Loveland, Ohio for the purpose of property acquisition for municipal purposes. There was no further discussion.

Note Issuance
\$627,000

Mr. Osborne introduced for first reading an ordinance providing for the issuance of \$627,000 of bond anticipation notes by the City of Loveland, Ohio, for the purpose of property acquisition for municipal purposes. There was no further discussion.

Note Issuance
\$995,000

Mr. Osborne introduced for first reading an ordinance providing for the issuance of \$995,000 of bond anticipation renewal notes by the City of Loveland, Ohio, for the purpose of property acquisition for municipal purposes. There was no further discussion.

Note Issuance
\$2,290,000

Mr. Osborne introduced for first reading an ordinance providing for the issuance of \$2,290,000 of bond anticipation renewal notes by the City of Loveland, Ohio, for the purpose of property acquisition for municipal purposes. Mr. Zuch stated that last year the note issuance was brought to Council as emergency legislation. He thanked staff for getting ahead on the curve and bringing this legislation forward eliminated the need to pass the legislation by emergency. Mr. Osborne noted that this piece of legislation combined all four note issuances. Mayor Weisgerber added that the notes were renewals.

Resolution 2009-82
Buffer

Mr. Osborne introduced a resolution as to incompatible land uses and zoning buffer— property proposed to be annexed to the City of Loveland, Ohio, from Hamilton Township, Warren County. Mr. Zuch noted that the property in question is owned by Don Gay and is located on Cones Road along the Little Miami River. He added that grant funds were being used to purchase this property allowing the City add to its green space and help protect the City's well fields. Roll Call: Elliott, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes. The motion unanimously carried adopting Resolution 2009-82.

**Resolution 2009-83
Services**

Mr. Osborne introduced a resolution setting forth services that will be provided by the City of Loveland to the residents of real property located in Hamilton Township, Warren County if such area is annexed to the City of Loveland, and stating an approximate date by which such services will be available if annexed. There was no further discussion. Roll Call: Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes. The motion unanimously carried adopting Resolution 2009-83.

**Resolution 2009-84
Taphorn Settlement
Agreement**

Mr. Osborne introduced a resolution authorizing the Mayor to execute a settlement agreement and release with William R. Taphorn.

Mrs. Cox noted that this would be Mr. Taphorn's last City Council Meeting. She commended him for his years of service to the City of Loveland. Mrs. Cox added that Mr. Taphorn was an excellent person to work with.

Mr. Zuch thanked Mr. Taphorn for taking the time to help him understand the budget when he was a new member on the Finance Committee. He thanked Mr. Taphorn for his service. Mr. Elliot also thanked Mr. Taphorn.

Vice Mayor Bednar thanked and congratulated Mr. Taphorn. Mayor Weisgerber congratulated Mr. Taphorn and wished him the best of luck in retirement. He said that he appreciated Mr. Taphorn for his financial diligence and all that he done for the City.

A roll call vote was taken on the resolution: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Osborne, Yes. The motion carried 6-0 adopting Resolution 2009-84.

Acting Finance Director

Vice Mayor Bednar moved to appoint Harry Steger as the Acting Finance Director and Tax Administrator beginning January 9, 2010 and continuing until such time a contract has been executed with Mr. Steger, seconded by Mr. Zuch. Roll Call: Zuch, Yes; Bednar, Yes; Cox, Yes; Elliott, Yes; Osborne, Yes; Weisgerber, Yes. The motion carried 6-0.

Holiday Wishes

Mr. Zuch wished everyone Happy Holidays and encouraged residents to attend Christmas in Loveland on Saturday, December 19th from 4 – 9 p.m. Mr. Carroll highlighted the activities scheduled for the event.

Ribbon Cuttings

Mr. Osborne noted that two new businesses have opened in Loveland: Superior Blendz and Tano's. Mayor Weisgerber added that the Chamber of Commerce has arranged a large number of ribbon cuttings over the past few months, which is a testament to the strength of the community and the hard work of the administration and former Assistant City Manger Jeff Wright.

Loveland the Play

Mr. Osborne noted that former resident Ann Randolph, a play-write and performer, wrote and will be performing a new play at the Arnoff Center on December 27th at 8 p.m. He added that the name of the play is *Loveland* and encouraged Lovelanders to support the production.

Executive Session

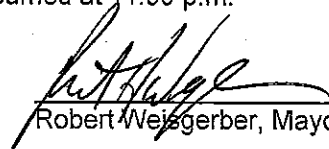
Vice Mayor Bednar moved to adjourn to Executive Session under Ohio Revised Code Section 121.22 (G)(1) to discuss personnel and Section 121.22 (G)(3) to discuss pending or imminent litigation, seconded by Mr. Osborne. Roll Call: Bednar, Yes; Cox, Yes; Elliott, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. The motion passed 6-0. Council adjourned to Executive Session at 10:12 p.m.

Reconvene


At 10:59 p.m., Vice Mayor Bednar moved to reconvene in regular session, seconded by Mr. Zuch. The motion carried by unanimous consent.

Adjournment

There being no further business. Mrs. Cox moved to adjourn the meeting, seconded by Mr. Osborne. The motion carried by unanimous consent. Mayor Weisgerber declared the meeting adjourned at 11:00 p.m.



Robert Weisgerber, Mayor



Misty Cheshire, Clerk of Council