

**MINUTES OF THE REGULAR
MEETING OF LOVELAND CITY COUNCIL
Tuesday, January 8, 2008**

Mayor Weisgerber called the meeting of the Loveland City Council to order at 8:04 p.m. The Pledge of Allegiance was recited.

Members Present: Vice Mayor Bednar, Mr. Daly, Mr. Elliott, Mr. Fitzgerald, Mr. Osborne, Mr. Schickel, Mayor Weisgerber

Also Present: Mr. Carroll, City Manager; Mr. Wright, Assistant City Manager; Mr. Klaine, Solicitor; Mrs. Cox, Clerk of Council; Mr. Taphorn, Finance Director; Mr. Steger, Assistant Finance Director; Mr. McLaughlin, Management Intern; Chief Rees; Deputy Chief Sabransky, Police Specialist Shockey, Officer Begue, Officer Jordan, Officer Brown, Officer Adamson, Sergeant Wilmes and Sergeant Rahe

Mr. Osborne moved to approve the minutes of the December 11, 2007 Council meeting; seconded by Mr. Fitzgerald. The motion was approved by unanimous consent.

PERSONS APPEARING BEFORE COUNCIL

Deputy Police Chief Sabransky thanked Council and Mr. Carroll for recognizing, investing in and supporting the employee development for all City employees, as each Department and the community benefits from that investment. Tonight he would like to recognize a Department Supervisor, Sergeant Rahe, who is a nine year employee of the Loveland Police Division. He was promoted to the rank of sergeant in 2007 and has been involved with the Division's information technology (IT) program and web page and serves as the coordinator for the field training officer program and the mountain bike program. In addition, he attended the Supervisory Training and Education Program, an intense, compact supervisory and management program and the Police Division would like to recognize Sergeant Rahe for his achievement by presenting a certificate of completion from that program. Mayor Weisgerber congratulated Sergeant Rahe and thanked him for his service.

OPEN FORUM

Mr. David Miller, 251 Wall Street, invited the community to the annual Martin Luther King Day celebration to be held on Sunday, January 20, 6:00 p.m., at the Loveland Middle School/Intermediate School cafeteria. Additional information is available at www.Lovelandmagazine.com. Mr. Miller explained the program is about ten years old and in 2002 Governor Taft awarded the program the Interracial Cooperation Community Awareness Award. This year Mr. Curtis Fuller, a local news anchor, will be the keynote speaker and several musical groups and representatives from the Salvation Army will be in attendance. The Loveland Initiative is sponsoring the program. Refreshments will be served and the program is free and opened to the public. .

CITY MANAGER'S REPORTS

Mr. Carroll explained there are two pieces of legislation associated with the Brandywine on the Little Miami Phase II A & B street acceptance and bond release (Memorandum No. 1). He recommended reading the ordinance accepting the streets, but requested that Council table until January 22 the resolution authorizing a reduction in the performance bond. Staff needs to ensure that all the subdivision's street signs comply with standards that give the Police Division full enforcement authority; the subdivision currently has non-standard signs.

Memorandum No. 2 explains that Ms. Helen Gordon's home at 642 Center Street is adjacent to City-owned property that Ms. Gordon's family previously owned and which contains a fence that a family member built and she would like to preserve. An encroachment license from the City to Ms. Gordon is being proposed as the way of accomplishing this request.

A resolution will be before Council tonight to replace an ambulance that was destroyed in an auto accident caused by a driver who failed to yield to the ambulance. The ambulance was scheduled for replacement in 2009 and funds are available in the 2008 budget to move forward with an earlier replacement.

As recommended in Memorandum No. 4, Mr. Fitzgerald moved to accept the City Manager's recommendation to set a planning session for February 2; seconded by Mr. Daly. Vice Mayor Bednar explained he and the Mayor attended a meeting last week where a person had a heart attack. Due to

the quick actions of the paramedics, the patient was revived. He questioned if someone from the Fire Department could attend this work session to quickly demonstrate AED equipment and CPR procedures, as neither of them know how to use the equipment in the Council Chambers and this would provide information that could be useful in the future. Mr. Carroll responded he'd be happy to do that and Chief Huber will be at this session. There have been demonstrations on the defibrillator in the past and it can be repeated at this meeting and at other times when appropriate. ROLL CALL: Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Bednar, yes; Daly, yes. Motion carried.

Mayor Weisgerber explained that an emergency ordinance is on tonight's agenda to secure financing for the purchase of the Rolke property, which the Community Improvement Corporation (CIC) will purchase on or before January 31, 2008. Financing this acquisition will save the City \$3,700 rather than paying for the acquisition from existing City cash reserves. Mr. Schickel reminded Council, though it's been stated at prior Council meetings, that he will be recusing himself, and has done so in the past, from any discussion or votes on the Downtown development, as both he and his brother own property in the Downtown. Mr. Elliott stated there's a question of \$3,700, but his understanding is the City may wait before actually issuing this debt to wait the outcome on interest rates. Mr. Carroll stated staff is watching what is anticipated to happen later in January when the Federal Reserve meets, as it is widely expected interest rates will be reduced. Mr. Taphorn, Mr. Steger and the City's bond counsel will be determining what is the best time to price this bond anticipation note. Staff has proposed this ordinance as an emergency to allow staff, bond counsel, and the underwriter to go to the market at any such time they wish to price this. If this is not passed as an emergency, they will have to wait 30 days from the date the ordinance is approved. The CIC is contractually bound to close on the Rolke property by January 31 and the City treasury has funding to do so; however, the City can borrow money at a lower interest rate than what is being earned on its current investments. Mr. Steger's calculations indicate taking funding from the City's investments, rather than issuing bonds, would realize \$3,700 of lost revenue. He pointed out Mr. Schickel is recusing himself and an emergency ordinance requires six votes, which will require all Council Members' support. If Council elects to not pass the ordinance as an emergency, he is asking that Council consider another ordinance which will allow the City to reimburse its treasury so the closing can be held as scheduled; when Council authorizes borrowing the money, the treasury will be reimbursed. This would cost the City about \$125 a day in interest between what the City would earn on their investments and what they would have to pay in terms of interest. Mr. Elliott questioned if the second ordinance deals only with the Rolke property or does it include the Schmidt property; the Mayor explained this is only for the amount the CIC has approved for the Rolke property. Mr. Elliott felt this was too much money for this property and questioned why is now the time, does the City really need to take this risk or do they just want to. There's no preferred developer in place and if the numbers didn't work for the two past developers, how does it for the City. Mr. Osborne clarified the Schmidt property is only under an option to purchase, not a contract to purchase. Mr. Carroll stated the CIC paid the Schmidt's \$10,000 earnest money for the exclusive option to purchase their property on or before mid August for \$275,000, though there's no contractual obligation to do that as that will be the choosing of the CIC or Council. Mr. Osborne pointed out that weekly reports Council receives indicate that the probability of another preferred developer is forthcoming. Mr. Carroll stated he wouldn't want to guarantee and be wrong, but staff feels they're having good discussions again with another developer and there are several other developers that have expressed interest and contacted Mr. Wright about this project. They believe with the Downtown's characteristics, it will make it a strong market place and will not be a risky venture for the City; it will be an investment in the Downtown. Mayor Weisgerber stated that when Council has looked at the recent Downtown redevelopment job creation opportunities, the Rolke property ends up being municipally owned, whether it's for parking or other uses. While there are options for other pieces of Downtown property to help secure price, this was one of the biggest unknowns in moving forward in the past and this would be consistent with both previous projections that the City will eventually own this property as this development moves forward. The ability to bring the price down was in front of the City; it was brought before the CIC, a body that consists of members of Council, the Board of Education and other members from the community. CIC has approved the purchase of this property and the backing for the CIC comes from the City for this purchase. CIC does have a contract with the Rolkes and will be settling with them by the end of the month; the question of financing before Council is whether or not they go out for bonding or pay for it out of the City's reserves. Paying out of City reserves will take the funds out of investments that are earning interest and if it is bonded, it will be at a lower rate. What's before Council is an option to pass the legislation to bond in the time of the City's choosing or not, which could, from a revenue standpoint, cost the \$3,700 as discussed.

Memorandum No. 6 provides background information about a recommendation to purchase a records management system (RMS) and computer aided dispatch (CAD) system in 2008. Staff is recommending the purchase of software from Alert Tracking Systems at a price not to exceed \$75,000, which is funded in the 2008 budget and Capital Improvement Program. Chief Rees explained the PD is looking to provide an up-to-date RMS and to update CAD for the Northeast Communication Center for a price which is roughly one-third what it previously cost just for CAD and is an opportunity to take a huge step forward for less money than the cost of a lesser system. Chief Sabransky added that the RMS and CAD they would like to purchase allows them to track a service call from when the call is received until its final disposition and will allow review of response time, actions taken and will act as a reporting system for offense reporting and other daily tasks they must complete. The systems' data base is easily searchable to allow gleaning data that will help measure performance as staff moves forward with performance measurements and goals. This system will also help lead them into the future of mobile field reporting and automatic vehicle locating systems through GPS. Combined with the CAD system, they will have the inner-operability and horizontal applications the City has been looking for in their information technology (IT) plan to allow interface with other City data bases to track their service and will interface with the Law Enforcement Automated Data System (LEADS) and with the Regional Computer Information System (RCIC) and transmit that information to patrol cars. They hope future progress includes internet access and/or live monitoring with video cameras from the cruisers' computers, an effort to reduce staff time spent in the office entering data, and allowing officers to be more visible in the community and respond to calls for service. Mr. Osborne questioned why a portion of the systems' cost isn't coming from Mayor's Court. Mr. Carroll explained \$80,000 is budgeted in the Police Capital line item; because there's a dispatch element, a service provided by the Loveland-Symmes Fire Department, they will be reviewing whether an appropriate portion of this cost should be shifted to the Fire/EMS Fund, though that amount has not been determined. Mayor's Court revenue is one of a General Fund revenue streams that is paying for this system, but in tracking the Courts' revenues and expenditures, it is not a big money maker. Therefore, Mayor's Court is contributing to the systems' cost since it is a general revenue stream to the General Fund. One other concern Mr. Klaine presented earlier this evening concerns the systems' contract. To ensure the City is on good legal grounds, Mr. Carroll requested the resolution authorizing this purchase be tabled until Council's January 22 meeting. Mr. Klaine explained since there appears to be a single source, he's concerned about competitive bidding and request for proposals. He's not familiar with what exactly happened so it can be documented to make certain the City is in compliance with State laws with regards to awarding a contract. He would like to gather more information so that decision can be made and so the appropriate resolution is before Council and he's not certain if the current resolution addresses that the way it should. Mr. Fitzgerald asked Mr. Klaine if he reviews these before they are issued; Mr. Klaine explained he does not review bids and in most circumstances, such as road salt, he wouldn't see the bids. In certain instances where there are professional contracts from a single source, he typically does not see that information, but that certainly can be reviewed on a going forward basis. Mr. Carroll explained he met with Police and Fire on Thursday where they reached the point of making a recommendation to go with Alert Track Systems. Knowing how much time and energy Captain Sabransky and the PD has spent on this search and want to get this software, which is an important step in the City's and PD's IT plan, it was his suggestion to place this on tonight's agenda and the Mayor concurred. He rushed to get this on the agenda and is why the standard review process may not have been as thorough because of the short holiday week and a bit of urgency on his part to get this done faster than maybe they were ready for.

COMMUNICATIONS

Mr. Fitzgerald noted that his comments don't necessarily pertain to the content of Communication No. 1, but he feels it would be appropriate since Mr. Stoker retired last week for Council through some vehicle to recognize Mr. Stoker's for his service, whether it be through a proclamation or whatever Council feels is appropriate. Mr. Stoker served the City for some number of years and oversaw an evolution in both the City and in the Building and Zoning Department. His early tenure was a boom time in the City, with much building ongoing that has evolved into a more mature community. Mr. Stoker exhibited not only a high level of service, but he also exhibited an adaptability to understand the emerging and changing trends in the community. If Mr. Stoker is available and willing, Mr. Fitzgerald felt he should be invited back to be recognized; if that's not the case, then perhaps something of a formal nature from Council may be appropriate. Mayor Weisgerber felt the suggestion is good and stated he'll work with Mr. Carroll to put something together if that's alright.

Mr. Elliott pointed out Communication No. 4 addresses Hamilton County selling delinquent real estate tax liens and questioned how that may impact the City. Mr. Taphorn felt Hamilton County was not clear on how this will impact their County in total, let alone individual communities. They are proposing bringing in another collection agency to do their collections. Mr. Carroll noted the City's budget is much less reliant on property tax than townships and county governments. While the County is trying to find a different way to create revenue, he doesn't think this has much relevance or financial impact on Loveland.

Mr. Elliott stated the City's year-end income tax collections increased 14.4% from 2006. Mr. Taphorn stated that due to fluctuation throughout the year, increases were as high as 21% looking at a year-to-date basis. Regarding interest income being at the highest rate, he explained that's due to a combination of the interest rate, the size of the treasury to be invested, and investments that are made overtime. He's also received notification from Hamilton County that the City will be receiving \$54,000 from estate tax during this year. Last year's estate tax was \$65,000, but the City doesn't budget more than the County notifies them they will be receiving. Mr. Carroll stated this is good news; income tax increased significantly and estate tax was above what was budgeted, though it was much less than what was received in years past. If income tax and special projects contingencies are combined, that amount is \$30,000 less than what was shown entering into the 2008 budget process; therefore, even with \$54,000 of unanticipated estate tax, the 2007 budget ended with \$30,000 less than anticipated. With many variables, trying to predict the year-end of a \$5,000,000 general fund budget within \$30,000 is exceptional and he commends Mr. Taphorn for his sound revenue estimates and Department Heads for staying within their budgets generally speaking.

COUNCILMANIC WORKSHEET

Mr. Carroll reported there's nothing new to report on the wireless internet access (WiFi) for public access other than there have been some stumbling blocks with this project that would require a more significant engineering study than what he believes is prudent at this point. Council had in June or July decided to delay a Lily Pad demonstration while staff was investigating a wireless mesh system. Since staff is moving beyond the wireless mesh, if Council wants to revisit the Lily Pad concepts for the Downtown that can be done, possibly in the spring. The Mayor felt there may not be any benefit to doing a demonstration at this time if Council doesn't mind. Mr. Daly concurred with the Mayor and felt that with the revitalization, there could be a different business community in the Downtown and there could be other opportunities there.

Mr. Bednar stated he spoke to a community member earlier this week concerning placing a relative's cremains under his Veterans' Memorial Park paver and has referred that question to Mr. Wright. In the meantime, he has explored the possibility of building a small columbarium at the Veterans' Memorial Park to house remains of any veteran who lived in or has ties to Loveland so there would be a place to honor these Veterans. He asked that Mr. Carroll or Mr. Wright explore this through the Veterans' Memorial Committee and the Recreation Board and report to Council on the cost of such a project. Mr. Klaine felt there may be some state laws that would probably come into effect and felt items such as perpetual care should be checked. Mr. Carroll stated he will bring a report to Council that will look at legal and financial aspects. He noted there are some community members who care very strongly about this park so he suggested circling back with the Park's stakeholders to build their consensus as well. Mr. Schickel concurred and stated this is a very interesting and perhaps exciting idea and to have a place available in the Veterans' park could be something very good. The report is due April 22.

Mr. Schickel explained at a recent production of the Loveland Stage Company he observed a safety issue that involved the narrow sidewalk in front of the theater and the many young people who were utilizing the sidewalk. Cars were passing at a fast speed and it seemed clear that the City needs to look at options for improving safety at that location. He felt safety has worsened since the Five Points Intersection was improved, particularly relating to seeing the front of the theater and with cars increased speed. He requested that Administration study what might be done to improve safety at this site. He noted that theater volunteers have asked for a crosswalk or flashing lights that can be activated during an event, though he's not sure what the best solution is. In conversations with some Council Members, one thing that was suggested is lowering the speed limit from 25 to 20 mph. Mr. Osborne felt those older than the young people should also be considered, particularly those who may have difficulty crossing the road quickly. He also noted there is a blind spot when turning off the hill, especially if there's a green light where traffic is not slowed. He had no problem with reducing the speed limit, similar to what's done when school is in session, and perhaps that can be looked at when

developing property across the street. There was no objection to placing this on the Worksheet and the report date was set for March 25. Mr. Carroll noted that he's hesitant to install a mid-block crosswalk, as it tends to create a false expectation of safety where it doesn't exist, but all these options will be reviewed from a public safety, design and a policing standpoint. Mr. Schickel felt the parking pattern in that area may change in a couple of years so maybe looking at other traffic calming or slowing devices could be just as good. The Mayor noted there may also be an intersection at that site so he felt that short-term and long-term solutions may be in order. Mr. Elliott questioned if volunteer police officers or young ranger-type volunteers could be utilized. Chief Rees replied the Citizens' Police Academy Alumni Association could be utilized, but he hesitates to rely on on-duty officers, as they may be called to an incident, thus leaving this site possibly open to an accident and ultimate liability. The Explorers program also receives traffic training and will continue to do so. He also suggested looking at suggested traffic calming devices and issues. Mr. Schickel noted large groups are at that site for rehearsals, as well as performances. The Mayor felt that when options are evaluated, personnel should be considered.

OTHER OLD BUSINESS

Mr. Fitzgerald pointed out that Rules of Council require when a roll call is being taken that all Council Members' names be called and though Mr. Schickel has excused himself from voting, he (Mr. Fitzgerald) feels Council needs to either make a motion to excuse Mr. Schickel from voting or to instruct Mrs. Cox not to call upon him in order to remain consistent with the Rules of Council. Mr. Fitzgerald then moved that Mr. Schickel be excused from voting; seconded by Mr. Daly. ROLL CALL: Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Bednar, yes; Daly, yes; Elliott, yes. Motion carried.

NEW BUSINESS – ORDINANCES AND RESOLUTIONS

Mr. Osborne introduced AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$955,000 OF BOND ANTICIPATION NOTES BY THE CITY OF LOVELAND, OHIO, FOR THE PURPOSE OF PROPERTY ACQUISITIONS FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY. Mr. Elliott stated that with the City willing to pay such exorbitant prices for these properties, specifically this one, they are sending the wrong message to the property owners, to the development community, and to Loveland taxpayers. He feels the message seems to be "name your price." Though it's been said that Council needs to do this to keep speculators away, but it seems the City has become the speculator with other people's money. Since he's moved to the City, there's been tremendous growth in the Downtown, though it's been slow, and with the City getting involved, he's afraid that growth has come to a halt. Mr. Daly pointed out that Council has been planning and executing the Downtown redevelopment for years and this is a significant step forward, and to him it is an exciting step forward. If they're going to see the project through, he doesn't think there's any question as to whether this is a good idea or not, though he understands the magnitude of \$1,000,000 for this project, but when considering what the project can do for the community, it's not a difficult decision for him. Mr. Carroll pointed out the Rolke property is the only existing business on any of the properties the City is contemplating to purchase or has an option on. Mr. Wright has recruited several businesses during this job creation project that have moved into the Downtown so he doesn't feel the City's interest in job creation and revitalization is having a dampening effect. Mr. Fitzgerald brought to Council's attention a resolution before them tonight affirms their continuing efforts for revitalizing Downtown. He believes Mr. Elliott's issues are legitimate, even taking it to asking why the City is getting into the development business, though he doesn't hold that sentiment; however, some development advocates see public involvement as an entitlement, though he doesn't hold that view either. It's been a long standing policy of several Loveland Councils that revitalization and reinvestment in the Downtown is a priority and over the years, progress has been made. There's going to be flaws in the strategy the City is beginning to implement, but it's open for people to discuss and differ. He pointed out newer communities are spending a lot more money than Loveland to build their Downtown and create an identity. He felt no one else, other than the City, would step up and make this kind of commitment, but this is an important issue for the City because the City will be here forever. If there are motivated sellers, this could be a very attractive proposition, but if the City passes on this now, it's the roll of the dice. He's guessing the time is right to act and to the Mayor's point, all the plans discussed call for this being municipally owned property and will give the City more control and perhaps allow lessening the number of City incentives for other public developments. Mr. Osborne concurred with Mr. Fitzgerald and stated this has to move forward for the development and growth of the City. While he understands Mr. Elliott's viewpoint, he has to look at the betterment of the City. Though Council will spend \$1,000,000 for this property, the development will be about \$12,000,000 - \$15,000,000, which is not a bad investment. Mayor Weisgerber stated this is a lot of money and is being taken very

seriously, but he's convinced this is the best thing to do for this community. It's been a long standing priority, going back to the late 1980's, and a number of properties have been purchased in this quadrant. He noted the City has invested in the Downtown and now as a result, the private sector is investing and it's made a great improvement in the Downtown. That will continue and this project will enable it to do so. Although this is expensive, the cost is cheaper than several years ago, partially because of patience and understanding the needs of the property owner, and other things that brought the price and availability to the City. Council has established tax increment financing (TIF) in the area, which was always part of the Downtown redevelopment and job creation, under which the City will take care of the infrastructure and funding needs for this project. He respects Mr. Elliott's opinion, he is consistent and they've had this discussion at the Community Improvement Corporation (CIC), where support was unanimous except for Mr. Elliott. While Mr. Elliott has good points, this is not speculation in his opinion and is something the City needs to move forward with. CIC has committed to this purchase, there's a contract in place for the purchase, and this action is how it will be funded, either through City reserves or borrowed money. Either way, this is not about buying the property, as that decision was made at CIC. Moving forward with an emergency ordinance will keep the City's reserves in place, invested at a higher rate than can be borrowed, giving the City approximate \$3,700 additional revenue by approving this as an emergency. ROLL CALL: Osborne, yes; Weisgerber, yes; Bednar, yes; Daly, yes; Elliott, no; Fitzgerald, no. Ordinance was not approved as an emergency. Mr. Carroll pointed out approval as an emergency measure would require six votes and under Council Rules, this would constitute the first reading of this ordinance. Assuming this ordinance is passed at a later date, staff will be going to closing on the Rolke property on or before January 31 by taking money from the treasury; therefore, he recommends bringing forward another ordinance that was placed at Council's seat tonight. It will allow the City to reimburse the treasury from subsequent borrowings once there's legislative authority to do so. While he doesn't mean to be presumptuous, four of the six voted for this ordinance and if they want to proceed with the financing, he recommends the ordinance be introduced tonight.

Mayor Weisgerber then entertained a motion to suspend Rules of Council to amend the agenda to add the ordinance that was placed at the table; so moved by Vice Mayor Bednar and seconded by Mr. Osborne. ROLL CALL: Weisgerber, yes; Bednar, yes; Daly, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes. Motion carried.

Mr. Osborne introduced (an ordinance) DELEGATING AUTHORITY TO MAKE DECLARATIONS OF OFFICIAL INTENT AND ALLOCATIONS WITH RESPECT TO REIMBURSEMENTS OF TEMPORARY ADVANCES DURING 2008 MADE FOR CAPITAL EXPENDITURES FOR CAPITAL IMPROVEMENTS IN THE CITY TO BE MADE FROM SUBSEQUENT BORROWINGS. Mr. Elliott asked if this will only have impact on the purchase of the Rolke property or is it carte blanche authority to do other activities. Mr. Carroll explained this legislation gives Council the authority to reimburse the treasury money that will be taken out of the treasury to proceed with the closing on the Rolke property. He reiterated it's cheaper to use a bond anticipation note to finance this purchase. When staff is authorized to commence with the note and when they've timed the market as best they can, the treasury will be reimbursed with those funds. He anticipates other borrowings later this year, but this legislation is not related to those. Mr. Klaine felt that's the intent of this legislation, but it is much broader than that because it is a general right to reimburse on other transactions. Mr. Carroll stated Mr. Steger's analysis is that for every day this money is out of the treasury, it will cost the City \$125 daily. Based on the bond legislation being approved January 22 and becoming effective 30 days later, it would cost the City around \$3,700. Mr. Klaine pointed out that amount could be higher depending on when the legislation is passed.

Vice Mayor Bednar moved to suspend Rules of Council to have no second reading of the (emergency bond) ordinance this evening so it will become effective by February 9. After the Mayor asked for clarification, the motion was seconded by Mr. Osborne. Mr. Osborne asked if the original question could be reconsidered. He pointed out this will require approval of six Members, they all know this project is going to happen, and he doesn't want to see the City burn \$5,000 for principle, as that's improper for this body to do. The Mayor explained to reconsider the emergency ordinance will require six votes and with Mr. Elliott's stand, he doesn't see any benefit in doing that. To pass the ordinance with one reading only (not as an emergency) may not be as offensive. ROLL CALL: Bednar, yes; Daly, yes; Elliott, no; Fitzgerald, yes; Osborne, yes; Weisgerber, yes. Motion failed.

Mr. Osborne introduced for first reading ORDINANCE AUTHORIZING THE ACCEPTANCE OF DEDICATION OF IMPROVEMENTS AND INFRASTRUCTURE IN BRANDYWINE ON THE LITTLE MIAMI SUBDIVISION, PHASE II A & B FROM BRANDYWINE LLC.

Mr. Osborne introduced A RESOLUTION APPROVING THE RELEASE OF THE PERFORMANCE BOND FOR INFRASTRUCTURE FOR THE BRANDYWINE ON THE LITTLE MIAMI SUBDIVISION, PHASE II A & B. Mr. Daly moved to table this resolution until January 22; seconded by Vice Mayor Bednar. ROLL CALL: Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Bednar, yes; Daly, yes. Motion carried.

Mr. Osborne introduced RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH HELEN GORDON PERMITTING AN ENCROACHMENT OF A FENCE ON THE CITY OF LOVELAND OWNED PARCEL ON CENTER STREET IDENTIFIED AS HAMILTON COUNTY PARCEL #621-0003-0244. ROLL CALL: Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Bednar, yes; Daly, yes; Elliott, yes. Resolution was approved and assigned the number 2008-1.

Mr. Osborne introduced A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WHEELED COACH TO PURCHASE AN AMBULANCE THROUGH THE STATE OF OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES. ROLL CALL: Osborne, yes; Schickel, yes; Weisgerber, yes; Bednar, yes; Daly, yes; Elliott, yes; Fitzgerald, yes. Resolution was approved and assigned the number 2008-2.

Mr. Osborne introduced RESOLUTION ACKNOWLEDGING THE CITY OF LOVELAND'S CONTINUING EFFORTS TO PROMOTE THE DOWNTOWN JOB CREATION AND REVITALIZATION PROJECT. Mr. Carroll explained he and Mr. Wright wrote this resolution after a discussion of Council's overall policy with Mr. Fitzgerald. It contains a resuscitation of historical investments and initiatives that past and present City Councils have made in the Downtown, going back to 1996, though that could have gone into the 1980's. Mr. Elliott commented on what Council's role is in a project, if there's a historical lesson Council isn't clueing in on, stating perhaps it's a philosophical difference some have, and their role as representatives of taxpayers' dollars in this sense. He questioned if their role is to just keep things running or is it to make it all happen; he finds Council doing the former and this resolution is a pat on the back for doing a good job. He doesn't come to conclusions on such in isolation, as he talks and listens to residents, and that serves Council well to do that. Mr. Osborne reminisced when the railroad tracks became the bike trail and named properties in the Downtown that were purchased years ago to be used for a future date and purpose and that day is now. He feels Council should support this resolution and to say they don't want to promote it sends the wrong message. Mr. Elliott pointed out Section 1 references the Downtown as one of Loveland's three primary commercial areas; with the Downtown being one area, he asked what the other two are. Mr. Carroll explained that references Loveland Madeira Road and the Commerce Park. Mr. Elliott assumes that's true, but what's sometime gets left out is West Loveland Avenue. Discussion ensued. Mr. Carroll expressed appreciation for Mr. Elliott's point of not calling out West Loveland Avenue, known as the Office/Residential (OR) District. While that area is not called out, it was included in the design charettes as the connector between Loveland Madeira and the Downtown, though he considers it to be more of the Downtown, and in no way is the language that was used intended to exclude West Loveland Avenue. Mr. Fitzgerald stated Mr. Elliott has been in the City long enough to recall the evolution of the corner of Elm Street and West Loveland Avenue and the funds the City put into acquiring, clearing and seeing the private redevelopment of that corner into the office building it is today; some Council Members can recall the pain and suffering that went into securing this also. ROLL CALL: Weisgerber, yes; Bednar, yes; Daly, yes; Elliott, no; Fitzgerald, yes; Osborne, yes. Resolution was approved and assigned the number 2008-3.

Mr. Osborne introduced A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ALERT TRACKING SYSTEMS FOR THE PURCHASE OF A RECORDS MANAGEMENT AND COMPUTER AIDED DISPATCH SOLUTION. The Mayor entertained a motion to table this resolution until January 22; so moved by Mr. Bednar and seconded Mr. Schickel. ROLL CALL: Bednar, yes; Daly, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes. Motion carried.

OTHER NEW BUSINESS

Mr. Osborne stated he's been contacted by several residents regarding an issue in the Heights at the intersections of Durango and Tuscarora and Navaho and West Main. When the temperature is below 32 degrees, those areas tend to be slick. Another area is at the top of Valley View and Bellwood. At two of these three locations are fire hydrants and he requested that Administration check those sites. Mr. Carroll stated he'll have a report to Council for their January 22 meeting. There's a salt barrel at the intersection of Tuscarora and Durango and his recollection is the problem is not so much a fire hydrant problem, but it's an area where there's not a storm outlet or inlet, which allows the water to pool.

Mayor Weisgerber asked Council to consider a special meeting to move the financing ordinance along so there's not an additional two week wait and to save taxpayers dollars. After discussion, the Mayor entertained a motion for Thursday, January 10, 8:30 p.m.; so moved by Mr. Osborne and seconded by Mr. Fitzgerald. Mr. Elliott stated he's still not clear about when the City plans on taking on the debt; while it seems very sensitive on one hand, on the other hand it is not. The Mayor explained if Council wants to allow flexibility, the sooner staff is able to execute, the better. Until the ordinance passes and 30 days thereafter, that flexibility is not there. Mr. Steger explained the issue that will be arising when attempting to issue the debt is that if the City doesn't have the debt proceeds by the end of January when the City will close on the property, the money will have to be drawn out of the City's investments to make that purchase. By accelerating this, staff is hoping to not have to draw down City funds and lose the potential interest income by removing funds out of the City's investments. This also gives the ability to go to the market when the Federal Reserve meets on January 29 and 30, and indications are there could be a significant reduction in interest costs. In the meantime, staff will be working with underwriters and what they'll do is dependent on what Council decides. Mr. Elliott felt that perhaps the closing date shouldn't have been set for January 31, as it puts the City in a bind, not only for Council to vote, but also financially. He felt that didn't answer his question and it seems that it is the case that the City is going to act and take on the debt prior to the Federal Reserve meeting. Mr. Carroll felt Mr. Steger wasn't dodging the question, but Mr. Elliott is asking Mr. Steger what he's going to do when there's volatility and change anticipated in the financial markets. When financial experts like Mr. Taphorn and Mr. Steger are hired and the City contracts with bond underwriters and they have relationships with people who issue bonds and resell bonds on Wall Street, he doesn't believe staff is in a position to say when they'll be going to market, except they can say they will not go to market if they do not have the legislative authority and he is certain they would not be able to take advantage of potentially lower interest rates that could happen anytime. The City may be able to time this to issue debt on January 30 or 31 and go to closing with those funds they'll receive from the bond underwriter by January 31, but staff is monitoring a changing and volatile situation. They did not deliberately place the City in a bad financial position; they only committed to the Rolkes that there would not be contingencies or delays and the closing would be held by the end of January, which was important to them and part of the consideration with these longstanding business owners. The City has the money in their treasury, but there's a better way to do it than to take the money from the City treasury. Mr. Elliott's position is more expensive to the taxpayers and does not accomplish his goal, in his opinion, of stopping Council from doing what they've already committed to do. Mr. Elliott stated he disagrees and to put the burden of costing taxpayers money on him, and/or Mr. Fitzgerald, because staff decided to make a closing date of January 31, is ludicrous. Mayor Weisgerber stated this discussion doesn't need to continue, as Mr. Elliott asked the question of when staff would go to market and they don't have an answer. What is known, is they cannot go before the legislation is passed. Mr. Steger reiterated staff is trying to find the best time to go to market, that may not be on January 31 and, therefore, monies would have to be drawn down, but this will be determined in conference with the underwriters. ROLL CALL: Daly, yes; Elliott, no; Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Bednar, yes. Motion carried.

The Mayor stated an executive session is on the agenda, but that will not be held tonight.

The Mayor entertained a motion to adjourn; so moved by Mr. Schickel and seconded by Mr. Daly. The motion was approved by unanimous consent and the meeting adjourned at 10:00 p.m.

Mayor

Clerk of Council