

**MINUTES OF THE REGULAR
MEETING OF LOVELAND CITY COUNCIL
Tuesday, February 26, 2008**

Acting Mayor Bednar called the meeting of the Loveland City Council to order at 8:00 p.m. The Pledge of Allegiance was recited.

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

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; Ms. Rush, and Mrs. Kerns, Tax Department; Mr. Stoker, Former Building and Zoning Administrator; Mrs. Parker, Planning and Zoning Clerk, and from the Police Division, Chief Rees, Deputy Chief Sabransky, Sergeant Wilmes, Officer Smallwood, Officer Burch, and Police Specialist Shockey

Acting Mayor Bednar entertained a motion to excuse Mayor Weisgerber; so moved by Mr. Daly and seconded by Mr. Schickel. The motion was approved by unanimous consent.

Mr. Osborne asked that the February 12, 2008 Council minutes reflect the amount of the two checks that the Fraternal Order of Eagles (FOE) donated. He believed each check was for \$2,500, which he thought was a very nice donation. Acting Mayor Bednar asked Mr. Gary Stouder, a FOE member who was in the audience, if that amount is correct; Mr. Stouder confirmed that it is. Mr. Schickel seconded the motion. ROLL CALL: Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Bednar, yes; Daly, yes. The February 12, 2008 Council meeting minutes were approved as amended.

Acting Mayor Bednar recognized Chief Deputy Sims of the Warren County Sheriff's Office.

PERSONS APPEARING BEFORE COUNCIL

Acting Mayor Bednar stated he will make a special presentation to Mr. Gerald Stoker, a 30 year veteran of local municipal building and zoning and residential and commercial construction. He stated Mr. Stoker possesses a number of professional licenses, including State of Ohio Class I Commercial Building Official and Residential Building Official, Class II Residential Plans Examiner, Class III Residential Building Inspector and Commercial Building Inspector, and ICC Property Maintenance and Housing Inspector. He served Loveland 14 years; prior to that he served 16 years for the cities of Hamilton, Sharonville and Fairfield. He is the Governor-appointed Vice Chairman of the Residential Construction Advisory Committee, is an active member of the Southwestern Ohio Building Officials Association (having served as an officer and president from 1993-1999), was chosen Building Official of the Year by SWOBOA in 2000, served as Vice President of the Professional Association of Code Enforcement from 2004-2006, and remains an active member of the Ohio Building Officials Association. While at Loveland, Mr. Stoker served as the City's representative to the Hamilton County Regional Planning Commission and the Loveland Chamber of Commerce. He was responsible for overall inspections and approvals of all residential and commercial construction and oversaw a period of strong development, including numerous subdivisions and the build out of over 90% of the Loveland Commerce Park. After suffering severe devastation in the 1999 tornado, Mr. Stoker oversaw the reconstruction of the Commerce Park. Under his guidance, the City's Building Department was ranked in the top 12% of all building departments in Ohio by the Insurance Service Offices. Mr. Stoker is now pursuing a new venture, Southwestern Ohio Inspection Services, LLC, and is servicing the City of Norwood and other clients in the field of building and zoning code enforcement and construction trades. He and his wife, Carla, enjoy their farm and their daughter and four grandsons.

Acting Mayor Bednar asked if any people who had worked with Mr. Stoker would like to speak. Mrs. Cox stated that it was a privilege working with Mr. Stoker. He was a real morale booster for staff members and was very professional. She stated it was an honor working with him and she wished him the very best in the future. Mr. Fitzgerald stated he appreciates Mr. Stoker first and foremost as a friend, but also for his efforts on behalf of the City. While Mr. Stoker served a very interesting tenure during the City's high growth mode that required his many certifications and inspection skills, he saw the City transition into a more developed and built out community. His creativity and adaptability was

evident and an example of that was a business expansion that was discussed at tonight's Community Improvement Corporation meeting, where there may be a significant future expansion of that facility. He believes as one looks around the City, they will see Mr. Stoker's handiwork in a number of those situations. He thanked Mr. Stoker and wished him well in his new ventures. Mrs. Parker stated it was an honor to work for Mr. Stoker. He was a great supervisor that turned into a wonderful co-worker and one of her best friends. He was open minded and taught her much that she will use over the next 20 years. She thanked him and wished him success in his new ventures. Chief Rees stated Mr. Stoker welcomed him to the City and he always proved to be a class guy who had an upbeat attitude, a very important asset for a Department Head and staff member. Mr. Schickel thanked Mr. Stoker for his positive attitude and his desire to make projects work. He feels some great public relations were extended to City businesses through Mr. Stoker's efforts. Acting Mayor Bednar presented Mrs. Stoker flowers and presented Mr. Stoker a framed map of the City dated 1905. Mr. Stoker thanked Council and expressed his appreciation for this recognition. He stated that during his 14 years with the City he made many friends, both professional and personal, that he will always remember with great fondness. While he worked with many City Managers, two stand out because they demonstrated wisdom, experience, compassion, knowledge, patience, and inclusiveness, all traits of leadership. He thanked Mr. Wayne Barfels and Mr. Mark Fitzgerald, stating it was a great experience working with and for these two leaders, and he again expressed his appreciation to Council.

Chief Rees stated that in his 13 year tenure, this presentation is his most pleasurable experience. He recognized Sergeant Wilmes and explained that 10 years ago Police Officer Wilmes was presented a one-time only MVP award at the recommendation of his peers. As the senior Sergeant of their Division, Sergeant Wilmes has taken upon himself to complete as much training as possible to do the best job he can do. He brought much to the table with his experience as an officer and his education at the University of Cincinnati, but he also has attended several first line supervision courses and in 2006 graduated from the Police Executive Leadership College at Ohio State University. A step beyond that is the Credential Law Enforcement Executive (CLEE) Program, a 14 month intensive training that is the highest academic achieve in law enforcement in Ohio. The CLEE program has 270 graduates and less than 1% of the sergeants in Ohio have completed this endeavor. Chief Rees personally and professionally thanked Sergeant Wilmes for taking his time to complete this intense study while doing his job and balancing his family and presented him with a plaque. Sergeant Wilmes thanked Council and Administration for allowing everyone the opportunities to attend trainings such as this. He feels it definitely helped him and others in his Department.

Acting Mayor Bednar introduced Chief Deputy Larry Sims, Warren County Sheriff's Department. Chief Deputy Sims distributed information on sex offender laws and stated he's appearing tonight to talk about recent changes, including the Adam Walsh Act, which became effective in January. He explained that Ohio Sheriffs have the responsibility to register, track and monitor sex offenders throughout their respective counties and described the registration process and the requirements for registering in each of the three classifications. Under the new law, classifications changed to make registration more uniform throughout the United States. Previously the judge had total discretion on placing offenders in classifications; now it is driven by the offense that the offender is convicted of. Under the registration and requirement changes, serious offenders increased from 62 to 163. Defense attorneys have filed an injunction which has caused their Department to stay the movement of reclassifying the offenders that have already been sentenced; however, new offenders fall under the new law. They believe they will see many more sex offenders that will be required to register under the more severe classification. This will result in more people being notified when an offender who is classified in a higher tier moves within 1,000 feet of a person's home; however, no notification will be given for offenders classified in Tier 3. The Warren County Sheriff's office web page, www.wcsooh.org, has a link that displays all registered sex offenders, regardless of their classification. Residents can also sign up to receive notifications. Mr. Daly felt the alerts he receives from Clermont County are wonderful, though scary, and he's thankful to receive that information.

Acting Mayor Bednar stated that many people come to Loveland to experience the numerous charms that make the City unique, friendly and a great place to visit, work, play and live, things that Loveland residents already know. While it's not often a community the size of Loveland has the opportunity to be featured on a local television station, that's what happened last week when WXIX Fox 19 morning news aired a segment that they referred to as "City of Loveland Adventure." For those who didn't have the opportunity to see their production, staff received permission from Fox 19 to show the video tonight. Acting Mayor Bednar, on behalf of the City, thanked Ms. Sheila Gray and all the people at Fox

19 who were involved in this project and welcomed them back to Loveland anytime. However, due to difficulties with computer equipment, the video was not able to be shown tonight. Acting Mayor Bednar explained that unfortunately the City was not given permission to place the video on their web site, but it will be rescheduled to play at a future Council meeting.

CITY MANAGER'S REPORTS

Memorandum No. 18 explains a resolution is on tonight's agenda that authorizes the City Manager to enter into a collective bargaining agreement with City Police Officers represented by the Ohio Patrolmen's Benevolent Association (OPBA). Mr. Carroll recognized Chief Rees, Deputy Chief Sabransky and Mrs. Bellisemo for negotiating on behalf of the City and Officer Begue and Officer Keller, who negotiated on behalf of the Patrolmen. He commended all for an honorable and good faith negotiation, as it appeared that initially they would be going to arbitration, but he feels overall this agreement is fair and equitable for both parties. This is a three year contract that contemplates a 4% wage increase in 2008 and 3% increases in 2009 and 2010. The 2008 budget called for a 3% increase for Patrolmen in 2008 so this will have an approximate \$12,000 - \$13,000 fiscal impact. Issues addressed included how overtime will be addressed, technology Administration would use to investigate any matters concerning Officers while balancing the City's rights and also protecting the rights of employees, and the most important point is how this agreement address insurance. With nation-wide insurance rates increasing beyond an unsustainable rate, the City is also feeling those trends. This contract states the City shall provide health insurance over the next three years and it will be identical to that received by all non-bargaining employees. It also offers the option for a health savings account (HSA), a tax advantage savings vehicle that puts employees in a consumer driven, high deductible health care program. This program guarantees if employees participate in the City's wellness program, they will never have exposure greater than 25% of their maximum out-of-pocket expense. It will give the employee a financial incentive to not access health care systems without having cause and need, since it will financially benefit them not to do so and will give them incentive to address their health care needs while also addressing costs; however, it also limits the employees long-time exposure within the insurance year to a maximum of approximately \$1,000. Any savings realized in that year will be carried to subsequent years. He feels this is an innovative approach to how health insurance will be handled moving forward and gives employees security that their maximum out-of-pocket costs will not be raised in a manner that will cause them duress. Mr. Fitzgerald pointed out the City Manager addresses (in Memorandum No. 18) his intent to develop a pay-for-performance program for non-bargaining employees. He believes this is equally progressive, as is the health insurance program, and commended Mr. Carroll for his effort. He encouraged these programs be followed through and hoped Council Members would also support this. He stated that for too long governments have lived in an environment where everyone goes along on the rates and this provides an opportunity for those who perform at an exception level to be appropriately recognized.

Mr. Carroll asked that reports on two Councilmanic Worksheet items, the Quarterly Financial Report and the Liquor License Report/Entertainment District, be deferred. He, Mr. Taphorn and Mr. Steger have worked with a consultant on the Citizens' Tax Review Panel's recommendations in preparation to present tax rules and regulations to the Tax Board of Review at their meeting on March 6. After the Board's review, staff will ask that they adopt those rules prior to April 15, the filing date for 2007 income taxes. Regarding the hillside drainage, Mr. Carroll reiterated that the Ohio Department of Natural Resources (ODNR) and the developer of Hermitage Pointe have agreed to do repairs and the City will continue to monitor the situation until it is resolved.

COMMITTEE REPORTS

Acting Mayor Bednar asked for an update on the January 28 Planning and Zoning Commission (P&Z) public hearing. Mr. Wright explained the hearing was held so P&Z could review a request for the installation of a new cellular telecommunications tower at 250 East Kemper Road (former site of Eads Fence) within the L-I (Light Industrial) District. L-I zoning permits cellular towers as a conditionally approved use. After much testimony and discussion, conditional use of the 195' mono pole tower was approved by P&Z. Issues addressed were the specific location of the tower, whether the cellular company had complied with FCC regulations to provide consistent coverage, including coverage of 911 calls, and the proximity of the tower to the Little Miami River and its existing vegetation that will provide some screening. P&Z required that large deciduous trees be planted along the property line to create additional buffering. The applicant submitted building plans for the tower yesterday and it will be built to accommodate three additional users, which was the reason for requesting the mono pole. Mr. Elliott questioned if the proposed site was originally requested to be further back and closer to the

property line, which was not in compliance with the City's Zoning Code. Mr. Wright explained they requested to be closer to the rear property line where the railroad track is located. The Code requires a buffer of 50 feet and P&Z reviews this as part of their site planning condition review; the issue will not be presented to P&Z again. Mr. Elliott questioned if the applicant shouldn't have requested a variance. Mr. Wright explained this item is under the purview of P&Z during the conditional use request and the applicant sought and was granted a waiver as part of that consideration. Mr. Elliott commented he knew P&Z agreed to this request, since he was at their meeting, and he thanked Mr. Fitzgerald for his comments that evening.

COMMUNICATIONS

Acting Mayor Bednar read portions of the letter from the Ohio Adjutant General which explained recently the Ohio National Guard conducted its largest unit mobilization and deployment since World War II, bringing to over 13,000 the number of Ohio National Guard members who have deployed in Federal service since the events of September 11, 2001. They invite everyone to attend Operation Ohio Helps Its Own (O-OHIO), a town meeting focusing on how people can support Ohio military families. Questions can be directed to the Ohio National Guard Public Affairs Office at 614-336-7000. Their letter and dates of meetings will be posted on the City web page.

Deputy Chief Sabransky confirmed Council is not required to take any action on the liquor license transfer for Butchs Carry Out unless they want to request the State conduct a public hearing. The application requests a liquor license for the C1, C2 Carry Out and for a permit as a liquor agency, which is an arm of the Division of Liquor Control.

COUNCILMANIC WORKSHEET

For reports due this evening, the following report dates were established: Implementation of the Citizens Tax Review Panels' Recommendations, April 8; Approval of Quarterly Financial Report, March 11; Liquor License Report/Entertainment District, August 12; Hillside Drainage/Debris on the Bike Trail, May 27. Mr. Osborne asked Mr. Carroll to briefly explain the purpose of the entertainment district. Mr. Carroll explained that currently the City is close to its maximum in terms of liquor licenses. This concern was originated by Mr. Osborne since he had some experience with this in another jurisdiction where they used provisions in the Ohio Revised Code (ORC) to create what's referred to as an Entertainment District. The District would allow a community to exceed the standard allotment of liquor licenses if it is in a designated and qualified zone. One of the concerns of the Downtown Revitalization and Job Creation project, to the extent that it will have restaurants, bars and other entertainment type establishments, is to make sure that the community doesn't run into an artificially low liquor license ceiling and is the reason this item is being investigated and tracked.

OTHER OLD BUSINESS

Acting Mayor Bednar asked Mr. Taphorn to expound on a memorandum regarding Loveland utility and MSD rates. Mr. Taphorn explained a graph is attached to this memorandum illustrating MSD's rate increases from 2000 through 2008 and a comparison to the City's water and sanitation rates. One illustration shows sewer rates in 2000 comprised approximately 48% of the utility bill; in 2008, sewer comprises 56.5% of the utility bill. Acting Mayor Bednar requested this information be placed on the City web site. Mr. Carroll stated he did a similar comparison using the same numbers, but based on a slightly different period of time. He compared rates for City utilities and MSD to the Consumer Price Index over a five year period counting 2008 projections. Over that period, the Consumer Price Index had increased about 17%; the City's water and sanitation rates increased 12% and 13% respectively. Through the fiscal management of this and past Councils, as well as policies and procedures that have been adopted, the City has been able to keep their utility rates below the rate of inflation over that five year period, even when including increases for the latest Rumpke contract and the aggressive replacement of City water lines. During the same five year period, MSD rates have increased approximately 60%, or three and one-half times the rate of the Consumer Price Index. While the City raising rates below the rate of inflation may not be a comfort to residents, especially those on a fixed income, the utility rates imposed on the City from the outside are far greater and, in his opinion, undermining the fiscal conservancy of the City.

Acting Mayor Bednar asked for an update on what is being experienced due to utility bills being mailed late, particularly the letter from a user who could not meet his due date. Mr. Carroll explained bills that were due on February 15 were mailed late and there was another unforeseen delay at the Cincinnati post office, which further delayed the bills. Customers whose bills were due February 15 had a very

short turnaround time to pay that bill so the deadline has been extended to February 25 without having any penalty. He apologized for this inconvenience. The customer who wrote the letter did not have the funds to pay his bill and he was given an extension. Anyone who has further difficulty should contact him or Mr. Wright.

NEW BUSINESS – ORDINANCES AND RESOLUTIONS

Mr. Osborne introduced RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LOVELAND AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (OPBA) REPRESENTING THE SWORN POLICE OFFICERS OF THE CITY OF LOVELAND. ROLL CALL: Fitzgerald, yes; Osborne, yes; Schickel, yes; Bednar, yes; Daly, yes; Elliott, yes. Resolution was approved and assigned the number 2008-16.

Acting Mayor Bednar asked Mr. Osborne to read the entire resolution concerning the City of Kirkwood, Missouri and the tragic shooting. Mr. Osborne introduced A RESOLUTION OF SUPPORT FOR THE CITY OF KIRKWOOD, MISSOURI IN LIGHT OF THE TRAGIC SHOOTING OF PUBLIC OFFICIALS ON FEBRUARY 7, 2008. He then read the resolution in its entirety. ROLL CALL: Osborne, yes; Schickel, yes; Bednar, yes; Daly, yes; Elliott, yes; Fitzgerald, yes. Resolution was approved and assigned the number 2008-17.

OTHER NEW BUSINESS

Acting Mayor Bednar entertained a motion to go into executive session under Ohio Revised Code Section 121.22(G)1, Personnel, and Section 121.22(G)(2), Purchase or Sale of Property; so moved by Mr. Osborne and seconded by Mr. Daly. ROLL CALL: Schickel, yes; Bednar, yes; Daly, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes. Motion was approved and Council went into executive session at 9:04 p.m.

The Acting Mayor entertained a motion to reconvene the regular session; so moved by Mr. Osborne and seconded by Mr. Elliott. The motion was approved by unanimous consent and the meeting reconvened at 9:22 p.m.

Acting Mayor Bednar entertained a motion to adjourn; so moved by Mr. Fitzgerald and seconded by Mr. Daly. The motion was approved by unanimous consent and the meeting adjourned at 9:22 p.m.

Mayor

Clerk of Council