

**MINUTES OF THE REGULAR
MEETING OF LOVELAND CITY COUNCIL
Tuesday, March 25, 2008**

Mayor Weisgerber called the meeting of the Loveland City Council to order at 8:05 p.m. The Pledge of Allegiance was recited.

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

Also Present: Mr. Carroll, City Manager; Mr. Wright, Assistant City Manager; Mr. Klaine, Solicitor; Mrs. Cox, Clerk of Council; Chief Rees; Deputy Chief Sabransky, Sergeant Rahe, and Police Specialist Shockey

Vice Mayor Bednar moved to excuse Mr. Daly and Mr. Schickel; seconded by Mr. Elliott. The motion was approved by unanimous consent.

Mayor Weisgerber entertained a motion to approve the minutes of the March 11, 2008 Council meeting; so moved by Mr. Osborne and seconded by Mr. Elliott. The motion was approved by unanimous consent.

PERSONS APPEARING BEFORE COUNCIL

Vice Mayor Bednar announced a presentation that was previously scheduled, but was delayed due to technical difficulties, will be shown tonight. Mr. Wright presented a recorded televised show, which was created by WXIX Fox 19, that highlighted several Loveland landmarks and businesses. The history of the building now known as The Works (restaurant) was reported and customers were interviewed. The bike trail was featured and interviews were conducted with Mr. Lawler, owner of the Loveland Bike and Skate Rental, and Mr. Martin Schickel, one of the organizers of the Loveland Amazing Race. Also mentioned were Loveland Stage Company and the Loveland Castle. Mr. Scott Gordon, owner of The Works, stated when being interviewed that Loveland is the epitome of small town America where one feels like they belong. The Mayor expressed his appreciation for this positive look at the City.

CITY MANAGER'S REPORTS

Memorandum No. 25 explains a resolution is on tonight's agenda that codifies into the City's Code of Ordinances all 2007 City legislation and state laws which impact the City.

A resolution is also on tonight's agenda that authorizes the extension of the street repair contract with Terry Asphalt Materials, Inc. for another year (Memorandum No. 26). City staff believes this is the most cost efficient way to undertake the City's annual road rehabilitation program. Mr. Osborne stated this company does a nice job, but he would like to see their communication with residents improve this year. He feels residents should be given more than a 24-hour notification to move their cars and perhaps signs should be put up several days in advance noting there may be long delays and other information. Mr. Carroll stated the City requires the contractor to notify residents and the City will also give notifications, particularly on major roadways like Lebanon Road or Loveland Avenue. He warned against over notifying people since the pace of this type of work can't always be controlled due to weather, equipment failure, etc. Mr. Elliott asked if a list of streets to be worked on this year has been established. Mr. Carroll explained a tentative five-year schedule was distributed last fall to Council and the Finance Committee which included all streets listed on a rotating schedule. Staff cautions against creating a schedule they may be bound to as it may be necessary to move a street up or back based on street conditions from year to year. After all streets are inspected, the list will be updated. Mr. Elliott felt the public would want to know if their street will be on the list so they can plan ahead if they park their car on the street. Mr. Carroll stated staff's goal is to communicate early and often with residents so they can make accommodations, but he doesn't want to create an expectation when a road may not qualify for improvements this year. The list will be created in advance, but it will probably be at least a couple of months before the list is published.

An anticipated schedule of legislative actions for the Downtown Job Creation and Revitalization project was included in Memorandum No. 27.

Mayor Weisgerber questioned if the process of taking samples and identifying the remediation that needs to be completed to stop the road slippage occurring on South Second Street is similar to what was done previously for the lower section of this street. Mr. Carroll stated the City Engineer, Mrs. Klopfenstein, is coordinating the project and has contacted Thelen Associates, the firm that completed the engineering for the hill slippage that occurred in 1993. Mr. Wright explained the new wall will be approximately 75', but it will not go to the top of the hill where the road curves; however, the improvement will extend to where the utilities are threatened to be exposed again. Information currently available is based on field observations, but samples will be taken and are expected to reveal if the project needs to be extended. Mr. Carroll explained staff is contemplating placing a meter into the pavement which will measure movement over time. They believe the work previously completed is structurally sound, though there's no data yet to confirm that. The Mayor questioned if it is possible to determine if there's movement in the existing piers. Mr. Wright explained Thelen Associates has copies of the existing design and they believe there may be one existing meter that can be located, though they're not certain the data obtained from that will be useful.

Memorandum No. 29 briefly explains legislation on tonight's agenda regarding House Bill 720 (2007 Water Quality Financing Act), authorization for the City Manager to purchase HUD homes, and minor amendments to the Income Tax Code.

COMMUNICATIONS

Regarding Loveland Board of Education minutes, Mrs. Cox explained minutes are provided to Council and their most recently submitted minutes will be included in Council's next packet. The Mayor asked if the Board's minutes are posted on the School District's web site. Mrs. Cox was not certain, but indicated she will find out and get back to him. Mr. Fitzgerald indicated he recently spoke to the Superintendent, Dr. Boys, who indicated he would be willing to meet with him and Mr. Schickel, Council's Board of Education representatives, to discuss reconnecting the City, schools and the community.

COUNCILMANIC WORKSHEET

After discussion, report dates for the following projects were set as follows: City Departments' Automatization/Digitization, July 8; Loveland Stage Company Street Crossing Safety, June 24; Update on Historic Downtown Park, June 24. Mr. Fitzgerald commented that with the potential Downtown redevelopment and based on information from the speed analysis, it appears that many times perception of excessive speed is antidotal and is not borne out by the data and he feels that pedestrian crossings, vehicular travel and parking issues will be more appropriately addressed with the overall Downtown redevelopment. Mr. Carroll commented that data indicates speed is not a primary concern, with the average being 22 m.p.h.; the speed limit is 35 m.p.h. However, Mr. Schickel's concern was not only speed, but the limited space in front of the Stage Company. The only option Staff suggested was to place a physical barrier on the sidewalk to force people exiting the theater to go north and south, but he feels more analysis and input from the Stage Company is needed first. He added there may not be a good solution and it may result in just having student actors' parents supervise. Mr. Osborne felt speed was not the overall concern: it was the closeness and proximity of the entrance to the street itself and it's not just related to children, but is an overall safety issue. Discussion also ensued on the Historic Downtown Parking. Mr. Wright explained that for the benefit of motorists and residents, a map of Downtown public parking can be found on the City web site.

Mr. Carroll reported Staff has completed all the recommendations of the Citizens Tax Review Panel (item 4) and urged Council to remove this item from the Worksheet; so moved by Mr. Elliott and seconded by Mr. Osborne. ROLL CALL: Osborne, yes; Weisgerber, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes. Motion carried.

OTHER OLD BUSINESS

Mr. Fitzgerald stated the White Pillars Advisory Committee met last week and expressed some trepidation about the curatorship that was presented to Council previously. Major pitfalls he heard expressed by interested parties attending that meeting included lifestyles, development, etc., but he is curious if other pitfalls can be identified and resolved, if possible. As the house sits now, it could remain that way indefinitely and serve as an icon and whether it's a curatorship or some other means of disposition or reuse, he would encourage full momentum continue towards that end. While today's costs are modest, the longer the house sits, the more costs will increase and if it's not resolved now, it will be someone else's issue in the future. Mr. Carroll reported the White Pillars Advisory Committee

minutes, which will be forwarded to Council, reflect his commitment to bring forward additional information on a resident curatorship or the actual sale of the property and what would be involved for the City to sell it. He heard two concerns: how would any rehabilitation be managed, which was based on the appearance of the neighborhood and having construction materials in sight for a five year period; and second, with lack of ownership, perhaps less money may be invested into the structure. He also agreed to be opened to other ideas and bring his thoughts back to the Committee in May; the report will also be forwarded to Council at the same time. Mr. Fitzgerald commended Mr. Carroll for his courageousness in suggesting a new idea and pointed out with concerns like construction materials and vehicles being seen over a five year period, the reality of a development like this is that it will probably be longer than five years before the last house is built. While it's easy to say these ideas can't work, he feels they can with considerable work. Mr. Carroll pointed out the resident curatorship is not really that dissimilar with what was done with The Works restaurant, as presented to Council tonight in the WXIX production; namely, the City owns the building and Mr. and Mrs. Gordon made an investment in the building and a 20-year lease, which they can extend, and this business is now an integral part of the community.

NEW BUSINESS – ORDINANCES AND RESOLUTIONS

Mr. Osborne introduced ORDINANCE AUTHORIZING THE CITY MANAGER OF THE CITY OF LOVELAND TO ENTER INTO AGREEMENTS TO PURCHASE PROPERTY LOCATED IN THE CITY OF LOVELAND, OHIO FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND DECLARING AN EMERGENCY. The Mayor explained that with five Council Members present this cannot be approved as an emergency nor could they suspend Council Rules to read the ordinance one time only. Mr. Osborne stated his understanding is that this can remain as an emergency ordinance and tonight will stand as its first reading; Council could, if they so desire, still consider enacting this as emergency at their next meeting and doing so will keep their options open; Mr. Klaine concurred. Mr. Fitzgerald asked if the City would be permitted to demolish a structure if circumstances so warranted. Mr. Carroll explained HUD requires the property either be marketed or used for a municipal purpose. If a house is demolished, the land would have to be used for a public purpose, such as a pocket park, storm water basin, etc. The land could be liquidated or donated to Habitat for Humanity or other options. The purpose of the program is in large part to prevent negative investments where neighborhoods would become full of rental properties and Staff believes home ownership is important. The Mayor pointed out an article in Nation's Cities Weekly pointed out the significant toll foreclosures are placing on cities because of lost property value, loss of income from taxes and neighborhood blight caused by abandoned or vacant properties. He feels that whatever Loveland can do to avoid the blight and continue strong ownership, not rentals, would be a preferred method. Mr. Carroll explained this ordinance authorizes the City to purchase these properties, but there may be an opportunity, as stated by Vice Mayor Bednar, to transfer the ownership to the Community Improvement Corporation (CIC). Any profits, whether they are deposited in the City's or CIC's account, will be restricted and dedicated to subsequent housing, thus providing a fund for future housing projects. He pointed out the City did a joint project with the Loveland Ministerial Association last year and funds like these can be used for such projects as this or Habitat, etc. Regarding a white paper due to Council on foreclosures, Chief Rees explained they've completed preliminary research to familiarize staff with all facets of how to approach this. He currently has the keys to a property that's within the required six month cycle of being on the market, at the end of which the City will have a ten day window of opportunity to purchase it for \$1 should it not sell. If it sells in the meantime, the City has the opportunity to get inside the house to determine problems and assess the cost to market the house in good condition. If any issues are discovered, such as mold, the City can at least ensure the house is renovated properly and not marketed with major problems. With the City having the opportunity to rehabilitate and resell the property, they can utilize the profit to put back into this program, whether it goes to City funds, a partnership with another organization, or to the CIC. Their white paper will be forthcoming, but there are other issues that need to be worked through before these decisions can be made. Mr. Carroll pointed out the City has a very active interdepartmental neighborhood action team that's looking at these type of issues and monitoring foreclosures because they recognize an abandoned house becomes a negative for the neighborhood and could become a blight and lead to declining property values.

Mr. Osborne introduced for first reading AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE LOVELAND CODIFIED ORDINANCES.

Mr. Osborne introduced for first reading ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 183.10(e) INVESTIGATIVE POWERS OF THE TAX ADMINISTRATOR AND SECTION 183.16(a) EXEMPTIONS. Mr. Fitzgerald questioned if perhaps the wording in the first sentence of the second paragraph of subsection (e) should read "any employee or agent of the City" instead of "employee of the Finance Department." Mayor Weisgerber questioned if there's also a conflict between the first and second paragraphs of subsection (e) with regards to release of statistical data. Mr. Klaine stated the clause, "not prohibit the publication of statistics in a form which does not disclose information with respect to individual taxpayers,..." in the first paragraph of subsection (e) mirrors the state statute; however, the following clause in the same sentence, "nor prohibit the access to income tax data by the City Administration for economic development planning and analysis and budgeting and fiscal analysis" is not found in the state statute and was added by the City previously since it was felt that would be helpful for the City to use that data. He suggested eliminating "No statistically or administrative data shall be disseminated or disclosed to members of the general public," which is the second sentence of the second paragraph, since this language runs contrary to language contained in the first paragraph of the same subsection. Since this is a first reading of this ordinance, Mayor Weisgerber suggested that Mr. Klaine and Mr. Carroll collaborate on the proper verbiage and submit it to Council for their next meeting for necessary amendment prior to its final reading and passage. Mr. Carroll pointed out the proposed amendment in Section 183.16(a) includes adding at the end of the sentence, "and those actively serving in the Peace Corps." A resident was pleased a family member did not have to file or pay income tax on his military salary, but when she served in the Peace Corp, she had to file and pay taxes in the City. Based on that, she asked if all members of the military and their reserve components could also be exempted from filing and paying City taxes. Mr. Klaine felt Council should consider whether this should be opened to any other national service organizations. Mr. Osborne suggested adding the words "and those serving on behalf of the United States Government." Discussion continued.

Mr. Osborne introduced A RESOLUTION OF SUPPORT FOR HOUSE BILL 720: WATER QUALITY FINANCING ACT OF 2007. ROLL CALL: Weisgerber, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes. Resolution was approved and assigned the number 2008-21.

Mr. Osborne introduced RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE CONTRACT WITH TERRY ASPHALT MATERIALS, INC. FOR THE 2008 ROAD REHABILITATION PROGRAM. ROLL CALL: Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Weisgerber, yes. Resolution was approved and assigned the number 2008-22.

OTHER NEW BUSINESS

Mayor Weisgerber stated ICRC has a replay schedule of the State of the City televised report posted on their web site. The City web site also has displayed a printed version of this report.

Mr. Carroll stated he was contacted by Mr. Gary Stouder on behalf of the Fraternal Order of Eagles to express their appreciation to the City for their support of their organization during last week's flooding. He commended Mr. Wright, Mr. Young, and Chief Huber for their assistance in getting the FOE back in operation within 24-48 hours of the flood. Mayor Weisgerber also extended his appreciation to City Administration and Staff and the Public Works, Fire, and Police Departments for their diligence and hard work over the last couple weeks of snow, rain and flooding

There being no further business to come before Council, Mayor Weisgerber entertained a motion to adjourn; so moved by Vice Mayor Bednar and seconded by Mr. Osborne. The motion was approved by unanimous consent and the meeting adjourned at 9:12 p.m.

Mayor

Clerk of Council