

**MINUTES OF THE REGULAR  
MEETING OF LOVELAND CITY COUNCIL  
Tuesday, June 10, 2008**

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

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

Also Present: Mr. Wright, Acting City Manager; Mr. Braun, Acting Solicitor; Mrs. Cox, Clerk of Council; Mr. Taphorn, Director of Finance; Mr. Steger, Assistant Finance Director; Chief Huber; Chief Rees; Deputy Chief Sabransky, Police Specialist Shockey, Mr. McLaughlin, Administrative Intern

Mayor Weisgerber recognized Mr. David Bair, former Council Member, who was in the audience.

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

Minutes of the May 27, 2008 Council meeting were placed at Council's seat. Mrs. Cox pointed out changes on page seven, fifth paragraph, the word "for" was changed to "to" and in the last paragraph, "communicated" was changed to "communicate." Mr. Zuch pointed out on page two, second paragraph (nineteenth line), the word "budget" should have been "services." The Mayor entertained a motion to accept these corrections; so moved by Vice Mayor Bednar and seconded by Mr. Osborne. ROLL CALL: Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes. Motion carried. The Mayor entertained a motion to approve the May 27, 2008 Council minutes as corrected; so moved by Mr. Osborne and seconded by Vice Mayor Bednar. Mr. Fitzgerald questioned if Mr. Zuch should be included in the vote before taking oath of office; Mr. Braun stated he should not. The motion was approved by unanimous consent.

Mr. Fitzgerald moved that Council invert the order of "Persons Appearing Before Council" and "Open Forum;" seconded by Vice Mayor Bednar. The Mayor explained the change is being made because Mr. Zuch's wife has not arrived yet. ROLL CALL: Weisgerber, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes. Motion carried.

**OPEN FORUM**

Mr. Robert Rutter, 6254 Hunterwood Lane, Miami Township, stated he's concerned about the City's efforts to sue the Loveland City School District and asked that Council not do so. Referencing the agreement the two entities entered into in December, 1992, he stated the City received approximately ten acres of property for an expenditure of \$470,000 to enhance the property where the High School is now located. That agreement included an obligation that the Board of Education support any future efforts for annexation, which they have complied with each time even though they did so under duress. Mr. Rutter stated that in most cases, what the contract required under threat of being sued went against their obligation as a Board member. Twice the Hamilton County Commissioners denied the request for annexation; the City subsequently withdrew its request for an appeal before the Hamilton County Common Pleas Court and nowhere was the Board responsible for the annexation's failure. Mr. Rutter stated that if the City wants to sue someone, it should be the Hamilton County Commissioners. Referencing incidents at Columbine High School and Virginia Tech, he pointed out how the world has changed and he feels the resource officer Symmes Township pays for is worth it and the City should not quantify the children's safety to a dollar figure captured from teachers' income tax. He feels, with 280 properties within the three counties for sale and people's concern about schools, the City's efforts are contrary to the health, welfare and prosperity of the School District and it puts families that have children in private and parochial schools at odds with those who support the public school system. The City is also destroying the good will of its neighbors and teachers since the teachers' agreement to accept a 1% pay raise will be wiped out if the High School is annexed and the total perspective of what the City is trying to do will not advance its efforts. He also feels the law suit is a waste of public funding and based on schools being the engine that drives communities, the City is attacking the engine that makes the community prosperous. Mr. Rutter stated the bottom line is that nobody moves here because of Council, and co-opting a phrase, he stated it's because of the

economy, stupid, and it's the schools, stupid. He distributed a copy of the Declaration of Independence, the Bill of Rights, and Constitution and stated the City is at odds with the law, Hamilton County, school teachers, the issue of the resource officer and the best interest of the community by furthering this action. He again urged Council to stop suing the School District.

Mr. Eric Partee, Little Miami, Inc. (LMI), stated he had the opportunity to sign a contract to buy 113 acres of land and since they attempt to protect the habitat of the corridor, today was a good day for that and he thanked Council and the City for their support. It came to his attention the City is responding to a request of whether to support the eastern corridor study, which has been at least a 40-year long discussion full of pros, cons, and frustrations. He stated the partnership between LMI and the City is unparalleled up and down the river corridor. With partnerships like the bike trail, the City, LMI, and others had a vision to protect the corridor. In 1997, OKI completed an economic impact study that included the bike trail and cited 175,000 trail users spend \$225 annually per person for equipment, clothing, rentals, etc., which could total \$39,000,000 a year. It is estimated that today's usage has doubled and this significant economic boost is because of visions from the City, the environmental community, and people along the river corridor. Another partnership is the Scenic River and Trail Center, as the City was a lead supporter along with support from the State, Mr. DeVol and many others. Last year the Center had 15,000 visitors and most all raved how wonderful the trail is. Since LMI's founding in 1967, they have worked with developers up and down the valley and have been fortunate to enter into partnerships with those developers in which they donated riverfront land as nature preserves, which serves to preserve the corridor and affords residents opportunities to appreciate outdoor recreational opportunities; LMI currently owns over 50 nature preserves. Regarding the eastern corridor, Mr. Partee stated he's attended about 200 meetings over his 26 years with LMI, not including a previous series of meetings and a 1980's study. He believes there is a consensus on taking some action and the question now is how to go forward. OKI is considering adoption of its long-term transportation plan and he understands they've asked the City to endorse that plan. LMI has expressed the need to find a balance between transportation needs and environmental protection and a key part of the eastern corridor plan they are very supportive of is the transit part. When OKI completed its study, their projections were based on the assumption that gasoline was \$1.15 a gallon; based on that, more people were driving than riding a bus, but with gas at \$4 a gallon, they see that changing. LMI believes transit is very viable and deserves a very concerted second look, which he believes OKI will do. Relative to transit funding, highway funding tends to be somewhat easier to come by, but their concern is there's a large plan, which they'll call multi-modal, and he believes they'll get funding that way; LMI proposes reversing that priority by suggesting transit is done first because they believe that will successfully reduce congestion on the highways and save from not building another highway, saving taxpayers' money. OKI's study looked at projected traffic levels crossing the Little Miami in the Newtown area, as indicated on the handouts that were distributed to Council, and one of the worse levels of congestion is what is projected for that new highway in the year 2020; he hopes this is another justification for the effort to try transit first. To the extent Council is considering endorsing the OKI master plan, or more specifically the eastern corridor plan, Mr. Partee urged them to insert a caveat regarding transit and place a very high emphasis on the concept of trying transit first.

#### **PERSONS APPEARING BEFORE COUNCIL**

Mayor Weisgerber explained that Mr. Brent Zuch has spent most of his childhood in Loveland. He graduated from Loveland High School in 1985, served in the Navy, graduated from Miami University with a major in political science in 1995, and moved back to Loveland in 1999. He and his wife, Lynn, have twin daughters, Haley and Amanda. Mr. Zuch is a loan officer and has served on the City Finance Committee over four years. Mr. Braun then administered the oath of office to Council Member Zuch. Mr. Zuch stated the saying is you can't go back home, but that's not true because he's happy to be back and plans on being here for a long time and his intention is to, in some small way, leave this town a little better. He recognized his wife, twin daughters, and family members, including his father, two sisters, and brother-in-law, who were present. He noted his mother could not be present because of flooding in her home town and also recognized friends that were in the audience. Mr. Zuch expressed his appreciation for members of Council that supported his appointment and especially Vice Mayor Bednar for encouraging him to become a member of the Finance Committee four years ago, where he met Mayor Weisgerber, Mr. Rost, Mr. Veroni, and Ms. Leeper, all excellent people who give much to their community. Reiterating a recent conversation with the City Manager, he estimated that a majority of City residents are originally from here, but he couldn't define what causes people to stay here or come back when the world takes them other places, though he felt that

ultimately it is the people and it always has been and you really get out of it, what you've put into it. He asked people to recognize that this is their City, their City Council, and their Administration. He desires a good relationship with other government entities, but ultimately they are here to represent the best interest of the City. He wants the City to be a leader and encouraged residents to attend, tune in, question and get involved, as he thinks they'll find that a rumor or half truth will travel much faster. He asked that residents ask Council Members about any issue they find unbelievable and discover all sides of the issue. He wants to be here for residents and show the City the same level of support it has shown him. He again thanked those who have supported him and promised to work hard to understand all sides of the issues and will endeavor to make the right decisions that benefit the residents of Loveland in the long run. In the short run, he'll endeavor to listen more than he'll speak until he gets up to speed. Mayor Weisgerber presented flowers to Mrs. Zuch and her daughters.

### **CITY MANAGER'S REPORTS**

Discussion ensued on Council setting a capital improvement program (CIP) work session. Mr. Fitzgerald moved to accept the City Manager's recommendation to set a work session for September 9; seconded by Mr. Osborne. Mayor Weisgerber explained the 9<sup>th</sup> is a regularly scheduled Council meeting and as done before, this meeting will start at 7:00 p.m. ROLL CALL: Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes. Motion carried.

Memorandum No. 53 explained three ordinances are before Council tonight that will enable the City to place property tax assessments on properties whose owners have outstanding debt obligations to the City for property maintenance. This is the fourth time Council has been presented this type of legislation. Responding to Mr. Elliott, Mr. Wright explained this process involves several thousand dollars of assessments each year. Hamilton County's assessments before Council tonight alone are just under \$5,500, Clermont County's is \$315, and Warren County's is \$210; cumulatively this is over \$6,000 of expenses that the City has had to take on because of non-compliance with the City's property maintenance code. Mr. Elliott stated he could not support putting a lien on someone's property for \$38 and stated there has to be a better standard, perhaps \$300 or \$500 or something more significant. Mr. Wright pointed out the assessments range from \$38 to just under \$1,200. Residents receive at least two letters from the Building and Zoning Office before a lien is assessed, as the goal is to reduce a blighting influence on that neighborhood and prevent the lack of responsibility of one property owner to have a negative impact on surrounding properties. Dozens of complaints are received throughout the year that City officials respond to. While he understands the point about the dollar amount, some property owners may have only been a one time only offender and others may have been repeat offenders which required the City to hire a contractor to cut their grass or remove trash several times. After pointing out the \$38 assessment was assessed twice (totally \$76), Vice Mayor Bednar asked Mr. Elliott to give his opinion on what the cut-off level should be if \$38 is too low. Mr. Elliott stated \$300 or \$500 would be more significant and more of a rationale for taking someone to court. Mr. Osborne pointed out this is the fourth year Council has had this type of legislation before them and for the fourth straight year Mr. Elliott has postured to the (television) camera and acted shocked. He added that if the City incurs a debt, they have the right to get the money back, just like running a business. In this case the City had to spend money because people didn't follow the maintenance code and there shouldn't be a cut-off amount. Council is being responsible and to do otherwise is foolish. Mr. Braun clarified that no one will be taken to court; Council is simply assessing a lien, not foreclosing on that lien, and this ensures that if the property is transferred or sold, this money will be paid back to the City. Mayor Weisgerber added that, as discussed in the past, part of the reason this is done is there have been property owners who have transferred their property to a new owner without paying the overdue bills. By placing the lien on the property, this debt will have to be addressed at the time of the transfer, thus putting the debt on the original owner, not the new owner. Discussion ensued on the process followed by the Building Department and the fee for filing the assessments. Being employed in a real estate related industry, Mr. Zuch commented unfortunately there are a fair number of properties that are for sale that aren't moving, some of which are foreclosed on, and realtors have expressed difficulty in dealing with banks in other parts of the country, particularly to get those banks to pay for ongoing maintenance on vacant property. Many banks abandon the houses just like the owner did and unfortunately the house loses value and reduces the value of surrounding properties. He sees this process as a solution and a rule of law. While a small dollar amount may seem petty, it may encourage residents to maintain their properties. Mr. Elliott stated that standard may be \$200 - \$300 and feels they owe it to themselves and to the community to do it a better way. It smacks of getting a pound of flesh to assess a smaller amount on

the taxpayer who is obviously having problems, though he's not questioning the City's intent or efforts in working with the owner or occupant, it's just the cut-off amount.

Referring to the Downtown project status, Mr. Fitzgerald felt the City Manager should be given direction as to the merits of executing the options, thus purchasing the Downtown properties irrespective of the outcome of the negotiations with the preferred developer. He also suggested Council provide direction about the procedures of coming to a resolution on the negotiations with the developer; however, regardless if an agreement is reached with the developer the City Manager is in discussion with now, it would serve the City well to execute the purchase and/or extension of options prior to their expiration. Mr. Fitzgerald pointed out three options are provided by the City Manager in Memorandum No. 54 and asked Mr. Taphorn to update Council on his recommendation. He also encouraged Council to accept the recommendation that would ultimately allow them to control all the properties that are now under option with the City and not allow the options to lapse. Mr. Taphorn stated he met with Mr. Wright and Mr. Steger today and also discussed with RBC Capital yesterday the options and procedures associated with financing whatever Council determines they'll do with exercising the options. He pointed out there is somewhat of a time constriction since the options all mature early to mid August and with the legislative process taking at least 30 days, legislation should probably be presented to Council at their next meeting so a determination can be made and still have time to secure funding. He recommends Council purchase the property that does not include the cost of the option against the purchase price and then extend the options on the other three properties. Mr. Zuch wondered as Council pursues this important part of the City's growth and success long term if there might be a way to encourage some of the developer partners to submit a second bid or cost analysis to complete lead design, or basically green construction, utilizing materials that are more energy efficient and sustainable. Mr. Elliott asked which parcels Mr. Taphorn referenced. Mr. Wright explained the Amend property totals four parcels on Broadway for a total cost of \$350,000 and the \$10,000 option paid by the City would apply to the total cost to obtain the property. Mr. Elliott stated he will not be at the next Council meeting so he will not be able to vote on this at that time. Referencing Administration's ongoing work with the Loveland Redevelopment Group (LRG), he asked what documents and information can be presented to Council now. Mr. Wright stated he anticipates a Development Agreement will be presented to Council this summer. At this time, there is a very early conceptual plan that is posted on the City web site for review and comments. Staff has provided the developer due diligence items, i.e., a phase 1 environmental site assessment, a geotechnical report commissioned last winter, and previous plans and process that have been ongoing since the late 1990's, etc., to assist them with their development process and planning efforts. The developer has been doing their due diligence in reviewing all the documents and efforts the City has made, performing their own market analysis, and meetings with different groups in the commercial real estate broker community to define types of businesses and uses they feel will be successful in the Downtown. The City is working with the developer on a Letter of Intent (LOI), which will be a small outline of items that are seen in a development agreement, and he feels that may be executed within the next week or so. Council will be asked to give their blessing to the development agreement. The City has shared information with the developer about their property purchases made several years ago on the Picciano parcels and other properties along West Loveland Avenue and Second Street, including the Rolke property. He pointed out much marketing and economic work goes into a project before commissioning an engineer for a site plan and the initial enthusiasm gets carried forth when it's determined the project makes sense for everyone. Mr. Elliott pointed out Council is being asked to spend \$350,000 to purchase the Amend property and to place 90 day extensions on other properties, which they understand is applicable to their purchase price, but he wanted to see something more concrete before spending more money. He's yet to hear real development plans and maybe someone else has more insight or information they can share with him and the public. Mr. Fitzgerald explained the reason he's inclined to support Mr. Carroll's and Mr. Taphorn's recommendation on the acquisition is irrespective if LRG is successful in negotiating an agreement and proceeding with a development, though by all accounts the people involved are substantial and have records of accomplishments; however, this is a very challenging market and the group has never done a venture of this specific nature. His purpose in suggesting the City maintain control of the properties is that the greatest impediment to redevelopments of this nature is fragmented ownership of property and he's convinced it is in the City's best interest to maintain control of that property in as economical a fashion as possible. No doubt at some point there will be a redevelopment and, as pointed out to him previously by Mr. Taphorn, there have been efforts for 25 years to improve Downtown; it's not finished yet and probably will never be finished, but he will submit it's a much better Downtown today than it was 25 or 10 years ago. Mr. Fitzgerald added that where Council needs to temper their enthusiasm and express

caution is in the detail of the LOI and the ultimate development agreement. Mr. Carroll may have expressed in his memorandum a tad bit more enthusiasm toward the concept and design than perhaps may be warranted, but that can be looked at in the future. He feels there are excellent resources on the Downtown Development Resource Committee and he suggested to Mr. Carroll that he would not be comfortable acting on any proposal until this Committee has made their recommendation, as that committee consists of individuals whose careers include experience related to these types of projects. He expects Council to be privy to results of marketing studies completed by LRG or any other group the City may utilize as a preferred developer. The one constant is that Council will never get anything redeveloped unless there's unitary control of property. He's very comfortable as long as the Finance Director and underwriters are able and willing to provide a financing program to move forward with, but that does not preclude them from doing a thorough follow-up on the specifics of this or any other future redevelopment proposal. Mayor Weisgerber concurred with Mr. Fitzgerald on control of the properties.

Memorandum No. 55 recommends an amendment to the ordinance on tonight's agenda to allow the City to purchase certificates of deposit (CD's) statewide, rather than only in the greater Cincinnati area. Mr. Zuch, recalling Finance Committee discussions, noted the City's investments cannot be made nation-wide or globally. He felt the Committee's recommendation was that perhaps they would try to have a preference to local or regional banks or investors, as they will realize more benefit directly from investing locally, progress can be foreseen on where funds are going, and it's easier to have good relationships with those who are located in this area. They want the best investment and return for the City's taxpayers, but all things being equal, he has a preference for local or regional banks or investors. Mayor Weisgerber pointed out a redlined copy indicating the Solicitor's recommended amendment is attached to the memorandum. Responding to Mr. Zuch, Mr. Taphorn stated he's not aware of any legal reasons to prohibit giving preference to local or regional bankers or investors.

### **COMMUNICATIONS**

Mr. Osborne pointed out the Loveland City School District Board of Education minutes, compared to Council minutes, have no discussion. He feels Council does a good job of being transparent and expressed hope the School District would follow suit.

Mr. Elliott stated Council received a letter from Dr. Kolp regarding a kiosk on Loveland Madeira Road. Mr. Wright explained the letter addresses a temporary, seasonal snow cone business that received site plan approval, not a variance, from the Planning and Zoning Commission (P&Z) in April. Their 7' x 10' temporary unit was specifically designed for this type of business and they're located on 910B Loveland Madeira Road, a panhandle shaped lot that has approximately 30' of frontage on Loveland Madeira and opens up to a larger area at the rear of the parcel where there's a vacant commercial structure. Concern has been expressed by the owner and some tenants of the adjacent property, which is 910 Loveland Madeira, that the temporary, seasonal unit is located on a parking easement that is a private easement that is pertinent from one property to the adjacent property to utilize for cross access and parking for the businesses at the 910 Loveland Madeira Road building. They're concerned this interferes with their right to use the property. P&Z conditioned the use that the business only be allowed to operate from May 1 through October 1, 2008; if they want to relocate in the future at that or any other location in the City, they would have to go back to P&Z for a new site plan approval. Mr. Wright stated he's aware of some of the tenants concerns, but he's not aware of any parking problem. Before the item was presented to P&Z, both properties were reviewed for any potential parking crises; however, with one building being completely empty and the other building having a mix of office and retail tenants, there are offset peak times for parking demands. All concerns expressed or negative impact on the adjacent property owners will be weighed heavily by P&Z if the snow cone business wants to come forward in the future. Mr. Fitzgerald stated, as Council's representative to P&Z, that they have not met since the various correspondences has been received. He expects P&Z will want to revisit this matter under "Old Business" and since they're scheduled to meet next Monday, he'd be happy to report back to Council and perhaps shed some additional light on this matter, but he'd prefer not to elaborate on this now because he'd only be speaking for himself and he'd rather have the Commission discuss it.

### **COUNCILMANIC WORKSHEET**

There were no reports due this evening.

**OLD BUSINESS – ORDINANCES**

Mr. Osborne introduced for second reading ORDINANCE AUTHORIZING THE ACCEPTANCE OF DEDICATION OF IMPROVEMENTS AND INFRASTRUCTURE IN THE CEDAR WOODS SUBDIVISION. ROLL CALL: Elliott, yes; Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes. Ordinance was approved and assigned the number 2008-42.

Mr. Osborne introduced for second reading ORDINANCE AMENDING CHAPTER 731 TO ADDRESS HAWKING AND PEDDLING AT CITY-SPONSORED EVENTS. Mr. Elliott questioned if Council was changing hawking and peddling or just adding an event to City sponsored events. Mr. Wright explained a list of City sponsored events is within the hawking and peddling section of the City codified ordinances. Small Stacks will no longer be taking place and the Loveland Festival, a new event planned by the Loveland Area Chamber of Commerce, will replace it as a City sponsored event with this legislation. The goal of the list of events and purpose of this ordinance is to encourage vendors or crafters to participate in these special events. Typically other sponsors of these events, whether it's the Chamber or the Loveland Arts Council, will charge a small fee to vendors and they will then use those fees for some type of public benefit. If the City enforces a duplicate permit fee, they may discourage vendors from participating. Mr. Elliott questioned what exactly the City will be giving the Chamber for this event as far as remuneration or in-kind services, as it sounds to him as a fund raiser for the Chamber. Mr. Osborne called for a point of order, as he believes this discussion does not relate to this ordinance. Mayor Weisgerber stated that though it does not pertain to the body of the ordinance, it is relevant only in that it is related to the event; however, not to confuse the public, what's being discussed with the City's contribution as a sponsor to any one of these events is not what's being voted on tonight. Mr. Braun felt it was more of a point of clarification. Mr. Wright explained the City's contribution is often in-kind services, as it is with many events. That may be providing emergency medical professionals, police officers, or additional dumpsters or trash receptacles. If Council would prefer a future report, he'd be happy to do that as more discussions are held on the event's planning. Mr. Elliott stated he's curious how much tax dollars or in-kind donations are going towards the Loveland Festival, as he's concerned about the commingling of tax dollars and economic influence and how that works out with the City Manager who actually sits on some of the Chamber's boards guiding its direction. The Executive Director of the Chamber sits on the Finance Committee and since transparency was brought up, he feels they need to be very clear on what they're doing and how they're doing it. Mr. Fitzgerald stated there may be reluctance on Administration's part to his suggestion he made that would allow them to deal with this on a comprehensive level. As one who's had varying degrees of responsibility for publicly sponsored/public venue events, he feels it should be the charge of the Administration to come to this Council with a criteria and recommendations for what constitutes a designated event, what the scope and level of support that those events are afforded, and a set of rules for events that want to come in and essentially be tenants in City parks or public grounds. He doesn't feel there's any ill intent here and he's still inclined to vote for this legislation to sanction these events, but he encouraged Administration to perhaps be less reluctant to look at this holistically and throw some of the heat back on Council. As it stands now, if someone approaches the Administration and as long as it's \$15,000 or less, the decision is made there, which he feels places the Administrative team under some undue pressures and stress. Mr. Zuch commented organized events are both good for businesses and are a big part of community to get together with friends and neighbors. While he doesn't disagree with Mr. Fitzgerald that there may need to be more process, he asked if the Recreation Committee is not part of a process related to these events. Mr. Wright stated there is some involvement with the Recreation Committee when it comes to park use and amenity planning, but he thinks the criteria is what is the measurable impact on the community. Vendors' licenses are required for transient vendors, such as ice cream vendors, but that community impact is harder to quantify than the list of City sponsored events that has been compiled; however, he's unaware what the Recreation Committee's involvement has been with each of the events. Mayor Weisgerber pointed out Mr. Carroll had stated at their last meeting that he has guidelines and decides whether an event is City sponsored, but he's not aware if the City Manager has received input from others. To Mr. Fitzgerald's point, he feels it's probably time Administration compiles a list of guidelines, whether or not that's a true administrative policy or a list of guidelines that Council could weigh in on. ROLL CALL: Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, no. Ordinance was approved and assigned the number 2008-43.

Mr. Osborne introduced for second reading ORDINANCE AMENDING CHAPTER 125.02(c)(3) TO ENABLE THE PURCHASE OF CERTIFICATES OF DEPOSIT THROUGHOUT THE STATE OF OHIO. Mr. Bednar moved to adopt the revised redlined ordinance that is before Council this evening

with the minor changes that were made by Mr. Braun; seconded by Mr. Osborne. ROLL CALL (ON MOTION TO AMEND): Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes. Motion carried. Mr. Zuch, requesting guidance from the Finance Director or Solicitor on selected wording, moved to add a "whereas," all other factors being equal, he would direct the City to give preference to local or regional banks or investors; seconded by Mr. Elliott. Mr. Taphorn explained the City may be able to get slightly higher rates on certificates of deposit by going outside the greater Cincinnati area, but normal practice has been to always stay with local savings and loans and banks. The procedure would be the same: check local rates first, then check northern Ohio cities, such as Cleveland, to compare their rates. Mr. Zuch feels there are many benefits to utilizing local investors by letting them invest in Loveland and, therefore, they may see some benefit from it also. If a local bank sees some profitability because of the City giving them preference, perhaps it may provide employment or other opportunities for Loveland residents and businesses. Mr. Braun proposed the amendment be added to the second "Whereas" as follows: "The City recognizes the benefits of investing in local based businesses, and the City's Finance Committee has suggested that the City consider purchasing..." Mr. Zuch concurred with the wording. ROLL CALL (ON MOTION TO AMEND): Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Weisgerber, yes. Motion carried. ROLL CALL (ON AMENDED ORDINANCE): Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes. Ordinance was approved and assigned the number 2008-44.

### **OTHER OLD BUSINESS**

Mayor Weisgerber asked Council if they are in a position to take action on Memorandum No. 54 (the Downtown Redevelopment Project). Mr. Fitzgerald moved, as recommended in alternative no. 2 of the City Manager's memo, to execute the Amend properties option and proceed with the purchase of that property and then extend for an additional 90 days at a cost of \$15,000 the options for the Rogers, McCoy, and Schmidt properties; seconded by Mr. Osborne. Vice Mayor Bednar asked if this action would be financing through a short-term note and then in January this would be rolled into a previous note that will expire on the Rolke property. Mr. Taphorn stated that's correct; this would be a six or seven month note, which would come due when the Rolke note is due, at which time both notes will be dealt with when they both mature. Mayor Weisgerber stated his expectation legislation will be presented to Council in the time frame previously discussed. Mr. Elliott stated he understands the finances and why this decision will be made, but he feels Council is moving pretty fast towards he's not sure what, except the City actually purchasing property. He understands the notion of getting all the property in one ownership, but he's never thought it was wise for the City to be the landlord, the developer, to be in charge of the property. Mr. Osborne pointed out the City is not the developer; it will assign a preferred developer for the properties. This has not been a fast project; it has been ongoing prior to either him or Mr. Elliott being on Council. The Downtown has been under development and planned for 25-30 years and he feels sure it was discussed long before then when the City was a village. He feels this project is beneficial to the survival of Downtown and he supports it 100%. Mr. Zuch feels this is certainly an important development and he encouraged Administration to keep Council informed as it proceeds. He also commented on his personal involvement with more small scale commercial developers, his feelings about now being a good time to buy, how often developments evolve, and the importance of finding a good developer. He pointed out the City of Montgomery purchased the property near Village Tavern prior to its recent development, which he feels is an excellent development that keeps to the spirit of the surrounding architecture, and is successful; they were not a landlord or a developer because they had the vision. ROLL CALL: Bednar, yes; Elliott, no; Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes. Motion carried.

### **NEW BUSINESS – ORDINANCES AND RESOLUTIONS**

Mr. Osborne introduced for first reading ORDINANCE ASSESSING LIENS FOR WEED CUTTING, DEBRIS REMOVAL, OR MISCELLANEOUS BILLS FOR PROPERTY IN HAMILTON COUNTY DUE TO THE CITY OF LOVELAND. Mr. Elliott moved to amend the end of Section 1 to include, "this certified amount shall not be less than \$200;" seconded by Mr. Fitzgerald. Mr. Elliott read the amount of each assessment, as listed in Exhibit A, and stated his intent is to trim this list and work with these folks and not punish them. Those over \$200 have probably had an ongoing situation with the City and perhaps with their neighbors and he feels this would be a nice compromise. Vice Mayor Bednar pointed out an assessment ordinance will be presented to Council soon for delinquent utility bills and his guess is that some of the same names may appear on those lists also. Mr. Wright concurred that has occurred in past years. Mr. Elliott felt the \$200 may be a good limit to set on the utility assessments also, though he'd like to see those amounts to see how it fits. Mr. Osborne's concern is that even though there's a \$38 assessment, there's been two cycles of bills, they've been notified

probably two additional months, so Council is looking at maybe eight to ten months time lapse; he questioned when the stopping point would be. It's not fair to the taxpayers who are paying and forthcoming to ignore an assessment just because it's \$38 and Council has to do this because it's an obligation. Mr. Elliott explained if a person owes \$38, their debt would be ongoing; what he questions is whether Council takes legal action for a lesser amount. His intent is not to place a lien until all assessments have reached \$200. Mr. Zuch stated that would eliminate eight of the eighteen listed. He appreciates the compromise and the point that these people are probably struggling financially, but this amount will only come out of the residents' pockets when they sell their house; it's not like they'll have to choose whether they'll buy groceries or pay the City. Mr. Elliott stated he understands the rationale and the numbers, but he's talking about an attitude and giving a person a break and \$38 is not. Mr. Osborne stated you can't go into a store and ask to pay them later, so this doesn't make sense. Mr. Fitzgerald asked that the question be called. Mrs. Cox asked for clarification on the motion. ROLL CALL: Elliott, yes; Fitzgerald, yes; Osborne, no; Weisgerber, no; Zuch, no; Bednar, no. Motion failed. Mayor Weisgerber commented there have been individuals or business owners that have come to this community and vacated their property and they were very happy the City mowed their property and that they would not have to contract with a service to maintain their property if the City would do it for them. If the City cut their grass every three to four weeks, \$200 would just about cover the summer months and, therefore, the City would become their lawn maintenance service for a season and they would not be billed, even though it's \$38.

Mr. Osborne introduced for first reading ORDINANCE ASSESSING LIENS FOR WEED CUTTING, DEBRIS REMOVAL, OR MISCELLANEOUS BILLS ON PROPERTY IN CLERMONT COUNTY DUE TO THE CITY OF LOVELAND. Mr. Elliott asked how much it cost per cut for a residential property. Mr. Wright explained it will vary on the size and condition of the lot. If the grass or weeds exceeds the 10" set by ordinance, the contractor may be able to use their regular equipment; if it's taller, they'd use larger equipment and with larger yards, cost could exceed \$100. Mr. Elliott guessed that the smaller assessed amount could only be one or two cuts and they're not utilizing the City as a lawn service. It was suggested the minimum fee be a larger amount. Mayor Weisgerber felt only the amount charged the City can be assessed; Mr. Wright concurred and stated some Ohio communities attach an additional service charge for staff time to the assessed cost so residents aren't enticed to leave their maintenance to their local jurisdiction. Mr. Braun pointed out the City has the option of citing these people to Mayor's Court. Vice Mayor Bednar clarified these charges are not only for weed cutting, it could also be debris removal and other miscellaneous bills that could date back to last year; Mr. Wright concurred. Mr. Zuch wondered if Council could be provided a list detailing what work was done and the cost of that service. Mayor Weisgerber cautioned this would require additional staff time and questioned what they would do with the information, unless it would be to take some type of action or foster a decision. Mr. Zuch explained he's asking more for anything that may already be available.

Mr. Osborne introduced for first reading Ordinance entitled ORDINANCE ASSESSING LIENS FOR WEED CUTTING, DEBRIS REMOVAL, OR MISCELLANEOUS BILLS ON PROPERTY IN WARREN COUNTY DUE TO THE CITY OF LOVELAND.

Mr. Osborne introduced A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT OF COOPERATION WITH HAMILTON COUNTY, OHIO PURSUANT TO PROVISIONS OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED. Mr. Wright explained this resolution is necessary for the City to receive Community Development Block Grant Funds (CDBG) from Hamilton County. The County uses a formula based on the City's population and percentage of low to moderate income households to determine how much each community would be eligible for. The City is allowed to use these funds in their other two counties. The County is the pass through agency that manages these Federal tax dollars which are awarded for appropriate projects. Mr. Zuch stated this is good legislation that allows the City more flexibility in using this money, but he cautions Administration not to compete with professional renovators and investors of houses and referenced how an investor had made investments on a house in their neighborhood that increased the value of surrounding houses. ROLL CALL: Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes. Resolution was approved and assigned the number 2008-45.

#### **OTHER NEW BUSINESS**

Mr. Elliott echoed Mr. Partee's message regarding transit first. He asked Mr. Fitzgerald, if he is going to be voting as Council's representative at Thursday's OKI meeting, to take that message with him.

Mr. Elliott congratulated the Loveland boys' varsity lacrosse team for their second place finish in the State Division II competition. He also congratulated their coach.

Mr. Osborne asked Chief Huber for an update on Symmes Fest. Chief Huber reported it will be this weekend on Friday, Saturday and Sunday from 5:00 p.m. until 10:00 p.m. at Symmes Park. There will also be fireworks every night.

There being no further business to come before Council, the Mayor entertained a motion to adjourn; so moved by Vice Mayor Bednar and seconded by Mr. Fitzgerald. The motion was approved by unanimous consent and the meeting adjourned at 10:11 p.m.

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Mayor

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Clerk of Council