

**MINUTES OF THE REGULAR  
MEETING OF LOVELAND CITY COUNCIL  
Tuesday, June 24, 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. Fitzgerald, Mr. Osborne, Mayor Weisgerber, Mr. Zuch

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

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

Vice Mayor Bednar moved to approve the minutes of the June 10, 2008 Council meeting; seconded by Mr. Osborne. The motion was approved by unanimous consent.

**CITY MANAGER'S REPORTS**

Memorandum No. 56 explains an ordinance is on tonight's agenda for first reading that authorizes the City to place property tax assessments on properties whose owners have outstanding debt obligations to the City for unpaid utilities. Mr. Carroll pointed out a revised Exhibit A was placed at Council's seat this evening since two owners set up payment plans with the City. He asked that Council consider a motion to substitute this Exhibit A when the ordinance is introduced later this evening.

Memorandum No. 57 details the bid results for the Second Street hillside stabilization project and recommends a contract be awarded to Langenheim and Thomson Company. Vice Mayor Bednar pointed out a difference of over \$110,000 in price between the lowest and highest bid and wanted to make sure the recommended contractor is aware of everything that needs to be done. Mr. Carroll pointed out six of the seven bids are between \$40,000 and \$51,000, which suggests that contractors generally see things the same way. Langenheim and Thomson Company is the same contractor that performed the hillside stabilization in the early 1990's. Staff has reviewed their bid and feels this contractor is most familiar with site conditions and the work involved and they have submitted the lowest and best bid. The City has not been advised if they will receive a State Capital Improvement Program (SCIP) grant to date, but staff is optimistic they will. Mr. Carroll explained that Mrs. Klopfenstein, City Engineer, recommends Council move forward with awarding this contract; however, he will not execute the contract so it will not technically be awarded until he has done so. It is possible, if the City is notified differently at a later date by the Ohio Public Works Commission, staff will come back to Council in July for another resolution to award the contract. SCIP will pay 50% of the project cost up to \$68,000 (for a total of \$34,000); if this contract is awarded at \$41,000, SCIP funding would be \$20,500. Mr. Zuch asked if there's a limit or cap to the City's exposure which would be dependent on unexpected areas. Mr. Carroll explained the City has a scope of work, but there could be unanticipated conditions on the site that may require the contractor to come back to the City with an appropriate change order. There could also be some liability on the geotechnical engineer the City hired to test the soil and design the improvement. Mrs. Klopfenstein and Mr. Moreland will manage the project and oversee the construction and review any change orders to determine if it is appropriate or if there's a better solution, if need be. He assumes with a project budget of \$68,000, they would be given discretion to spend up to that amount; the contract is \$40,380.20 and any additional change orders which may require Council action will be presented for their approval. Engineering fees are the City's responsibilities under OPWC's guidelines, as are costs for any design, surveys, and right-of-way acquisitions.

Memorandum No. 59 provides background information on an ordinance before Council to issue short term debt for the purchase of four parcels in Downtown Loveland as part of the Historic Downtown Revitalization and Job Creation project.

Mr. Fitzgerald commended Mr. Carroll for the report on City sponsored events (Memorandum No. 60). He added that Loveland's Amazing Race is a textbook of the way sanctioning special events ought to be handled; specifically, the event is held every Father's Day weekend, which is wonderful for planning

purposes for their participants, the City, and those in the City impacted by the event. He reiterated four items he felt should be part of a City sponsored event, as it applies to this event: fun, which was validated in a Cincinnati Enquirer article; enhancement of the City, which this publicity does as well as documented in the blog created for Loveland's Amazing Race, all of which should have a positive economic event; and the City's involvement, coordination and expenditures were fairly well defined. Mr. Osborne was pleased the Loveland Festival was included as a City sponsored event as a replacement for Small Stacks. The original festival occurred during the late 1970's and it was a very successful, positive event for the City, though there were some traffic issues that were managed. He believes the City needs a good "feel good" event, which Loveland's Amazing Race was, and the Loveland Festival will fill in the gap between the Amazing Race and the City's winter activities. He noted an event adjacent to the City's border may be held next year and it may be something the City may want to look at, perhaps not as an official participant, but close to that if possible. Mr. Zuch commented the Concert in the Park with the P&G Big Band was a wonderful outing with people picnicking and he encouraged other people to participate in upcoming Concerts in the Park. Mr. Carroll also commented he attended last weekend's concert and despite a rainstorm prior to the event, there were approximately 110 adults attending.

Proposed recruitment and selection process for filling the Clerk of Council and Executive Assistant positions, which are combined and report both to the City Manager and Council, is detailed in Memorandum No. 61. Mr. Zuch commented that the City Manager will have his work cut out for him, as he's interacted with Mrs. Cox for a few years and this will be a difficult position to replace. Mr. Osborne pointed out the memorandum recommends Council select two or three of its members to sit on a sub-committee to work with the City Manager through the selection process and questioned if the Mayor would be making recommendations. The Mayor stated he'll do so at the next meeting, but if Mr. Osborne is interested, he should let him know as he already has three people in mind; however, he'll wait to see who has interest before he articulates.

### **COUNCILMANIC WORKSHEET**

The Worksheet was reviewed and updated. The next report on the Park Avenue Storm Water Update was set for November 25. Updates on Historic Downtown Parking and Rental Property Licenses were removed from the Worksheet. Mr. Carroll reported Chief Rees has been heading up the review of the rental property licenses. Staff recommends Council delay bringing forth this item at this time to allow the City of Springdale to implement their rental licensing program first. A data base is currently being developed to easily identify single-family rental homes that are located in owner occupied neighborhoods. As the housing market declines, there is concern certain properties could become investment opportunities and certain neighborhoods that have a majority of rental occupied houses could potentially become a detriment to adjacent owner occupied homes, assuming rental properties are not always maintained to the same level as owner occupied homes. The data base will continue to be monitored and if it is determined there is a problem, staff will present strategies to Council at a later date. Mr. Osborne stated he has researched other Ohio communities and Centerville has an incredible package of online information. He also found that all rental homes have to be identified to each county auditor because of legislation passed within the last two years and wondered if perhaps the Law and Ordinance Committee could review the City's Code. Regarding the data base, he wondered if it could be utilized to identify rental properties whose occupants habitually have issues and to research if owners could be held liable if they repeatedly rent to violators, such as in apartment complexes; Council may want to look at regulating these issues through an ordinance. Chief Rees pointed out Centerville utilizes a bi-annual inspection process, rather than utilizing permits. Their data base identifies owners and renters of single family properties. Springdale's process will include permits, though they haven't started issuing them yet. Information they received from the Hamilton County Auditor's office indicated they have 38 single family rental properties; researching their own utility billing and other methods, they found they had over 350. Based on that, he contacted the City of Oxford to get information on how they handle their program and he's finding there's not just one way this issue is being handled, particularly as it applies to enforcement. He has also spoken to Battalion Chief Knapp to glean City data from their CAD provider. While the Police Division has information on runs made to individual residences, he believes placing restrictions on who a property owner can rent to is a dangerous step to take and asked that they be allowed to gather more information, review successes and failures, then make recommendations on which direction to take. Mayor Weisgerber pointed out the City has a series of property maintenance codes. While there will always be some exceptions, with the City's legislation, the Loveland Neighborhood Action Team, and the City Departments that are always on the street, he believes there is adequate coverage, particularly on

property maintenance. He suggested that if this warrants being revisited in the future, Council can do so.

#### **OLD BUSINESS – ORDINANCES**

Mr. Osborne introduced for second reading ORDINANCE ASSESSING LIENS FOR WEED CUTTING, DEBRIS REMOVAL, OR MISCELLANEOUS BILLS FOR PROPERTY IN HAMILTON COUNTY DUE TO THE CITY OF LOVELAND. ROLL CALL: Weisgerber, yes; Zuch, yes; Bednar, yes; Fitzgerald, yes; Osborne, yes. Ordinance was approved and assigned the number 2008-46.

Mr. Osborne introduced for second reading ORDINANCE ASSESSING LIENS FOR WEED CUTTING, DEBRIS REMOVAL, OR MISCELLANEOUS BILLS ON PROPERTY IN CLERMONT COUNTY DUE TO THE CITY OF LOVELAND. ROLL CALL: Bednar, yes; Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes. Ordinance was approved and assigned the number 2008-47.

Ordinance entitled ORDINANCE ASSESSING LIENS FOR WEED CUTTING, DEBRIS REMOVAL, OR MISCELLANEOUS BILLS ON PROPERTY IN WARREN COUNTY DUE TO THE CITY OF LOVELAND. ROLL CALL: Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes. Ordinance was approved and assigned the number 2008-48.

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

Mr. Osborne introduced for first reading ORDINANCE ASSESSING LIENS FOR UNPAID UTILITY BILLS ON PROPERTY IN HAMILTON COUNTY OWED TO THE CITY OF LOVELAND. Mayor Weisgerber entertained a motion to amend the ordinance with a new Exhibit A; so moved by Mr. Osborne and seconded by Mr. Zuch. ROLL CALL (ON MOTION TO AMEND): Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Fitzgerald, yes. Motion carried. Vice Mayor Bednar pointed out the heading on Exhibit A references an ordinance number, date to be paid in full, and percentage of interest provided by law; he questioned if Hamilton County is the only county doing this, as this information did not appear on the Warren or Clermont County assessment legislation. Mr. Carroll stated it appears the ordinance number was incorrectly left on the header from a previous ordinance; the number should be a 2008 assigned ordinance number. He also explained there were not any other utility accounts in Clermont or Warren County that exceeds what has been established as an administrative threshold of past due bills, which is about \$300. This amount was chosen because it is possible that \$250 could be owed if behind on two payments, representing four months of usage; it's also possible that payment or utility shut-off could be in process. Most of the account assessments are related to foreclosures or some other extraordinary circumstance. Mr. Wright explained the percentage referred to is specifically required by the Hamilton County Auditor and the City is not permitted to vary from that process. Discussion ensued on the percentage rate required by Hamilton County; Mr. Carroll explained the City has not legislatively added a percentage for collection and the City receives limited information when payment is received from the County. Regarding Council's previous discussion about property maintenance issues, staff feels legislation should be presented to Council that assesses an additional fee for securing lawn maintenance for out-of-town owners, banks, or companies when staff has to inspect and re-inspect a property to ensure compliance; while this would not be punitive, it would probably serve as a significant deterrent. The Mayor asked that any additional information received on the header's date and interest be presented to Council at their next meeting.

Mr. Osborne introduced AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$400,000 OF BOND ANTICIPATION NOTES BY THE CITY OF LOVELAND, OHIO, FOR THE PURPOSE OF PROPERTY ACQUISITION FOR MUNICIPAL PURPOSES. The Mayor noted this is an important piece of the puzzle when it comes to putting the Historic Downtown Revitalization Job Creation project together and he believes it is incumbent on Council to move this forward when this ordinance is before them for its second reading.

Mr. Osborne introduced A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LANGENHEIM & THOMSON, COMPANY FOR CONSTRUCTION OF THE SECOND STREET HILLSIDE STABILIZATION PROJECT. ROLL CALL: Weisgerber, yes; Zuch, yes; Bednar, yes; Fitzgerald, yes; Osborne, yes. Resolution was approved and assigned the number 2008-49.

**OTHER NEW BUSINESS**

Mayor Weisgerber brought to Council's attention a memorandum placed at Council's seat this evening regarding committee updates necessary due to Mr. Daly's resignation from Council. Mr. Zuch has volunteered to fill Mr. Daly's committee appointments to the Tree and Environment Committee and the White Pillars Homestead Advisory Board. Since Mr. Zuch serves on the Finance Committee and his appointment to Council would now create four voting Council Members on that Committee, Mayor Weisgerber also asked Council to remove his name as a voting member and appoint him as a non-voting resource to the Finance Committee; so moved by Vice Mayor Bednar and seconded by Mr. Fitzgerald. Mr. Fitzgerald asked Mr. Klaine if the Mayor is designated as a non-voting resource Committee member, which means he'll be attending their meetings, does that pose any problem (with having a Council quorum at those meetings). Mr. Klaine believed the Mayor could certainly be in attendance, but he'd like to review this and get back to Council. Discussion ensued and Vice Mayor Bednar and Mr. Fitzgerald withdrew the motion and second. The Mayor entertained a motion to appoint Mr. Zuch to both the Tree and Environment Committee and the White Pillars Homestead Advisory Board and remove his name from the Finance Committee; so moved by Vice Mayor Bednar and seconded by Mr. Fitzgerald. Mr. Zuch stated he hopes that this can be worked out because Mayor Weisgerber adds much to the Finance Committee. His charts and analysis have been rather impressive and shone light on some important issues. Mr. Osborne thought that with the Mayor being an ex officio, not a member of the Committee, it would be like attending a Planning and Zoning Commission hearing where there may be a quorum of Council in attendance, but it would not be an official Council meeting and it would be acknowledged that there would be no official City business that the quorum of Council would vote on. He doesn't believe this is an issue or a violation of the Sunshine Law. Mayor Weisgerber stated his point is Finance is a very strong Committee and it works very well and he will not disrupt that. He would like to participate in their discussions and Council really listens to the Committee's recommendations. ROLL CALL: Zuch, yes; Bednar, yes; Fitzgerald, yes; Osborne, yes; Weisgerber, yes. Motion carried.

**OTHER NEW BUSINESS**

The Mayor entertained a motion to go into executive session under Ohio Revised Code Section 121.22(G)1, Personnel, and Section 121.22(G)(3), Pending or Imminent Litigation; so moved by Mr. Zuch and seconded by Mr. Osborne. ROLL CALL: Bednar, yes; Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes. Motion was approved and Council went into executive session at 8:50 p.m.

The Mayor entertained a motion to reconvene the regular session; so moved by Vice Mayor Bednar and seconded by Mr. Osborne. The motion was approved by unanimous consent and the meeting reconvened at 9:50 p.m.

The Mayor entertained a motion to adjourn; so moved by Mr. Zuch and seconded by Mr. Osborne. The motion was approved by unanimous consent and the meeting adjourned at 9:50 p.m.

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Mayor

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Clerk of Council