

**MINUTES OF THE REGULAR  
MEETING OF LOVELAND CITY COUNCIL  
Tuesday, August 26, 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. Carroll, City Manager; Mr. Wright, Assistant City Manager; Mr. Braun, Assistant Solicitor; Mrs. Cox, Clerk of Council; Mr. Taphorn, Finance Director; Mr. Rees, Safety Director; Chief Sabransky; Sergeant Wilmes, Acting Captain; Sergeant Rahe; Pastor Hounshell, Police Chaplain; Officer Alejandro; Officer Bibelhausen; Officer Hammer; Officer Adamson; Mr. Napier, Police Explorer; and Police Specialist Shockey

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

Mr. Zuch moved to approve the minutes of the August 12, 2008 Council meeting; seconded by Mr. Osborne. The motion was approved by unanimous consent.

**PERSONS APPEARING BEFORE COUNCIL**

Chief Sabransky announced that Officer Kyle Bibelhausen will be receiving the Officer of the Quarter award for the second quarter of 2008. He pointed out this award is special because it is peer nominated and selected for doing an exemplary job for the quarter. Officer Bibelhausen has been with the City since 2002, becoming a full-time officer in 2005. He recently served in an undercover role in a joint county-wide drug task force, where he was instrumental in several drug investigations and arrests, both inside and out of Loveland. Officer Bibelhausen was nominated not only for his excellent police work, but also for recently giving life-saving aid to a child who nearly drowned. Chief Sabransky presented Officer Bibelhausen the Excellence Award for his service.

Ms. Linda Swensson, Beech Acres Parenting Center, stated their organization is working alongside the Loveland Initiative (LI) to bring a new parenting program to the Loveland area. She introduced her supervisor, Mr. Robert Bell. Mr. Bell explained he is the Director of Community Services at Beech Acres Parenting Center in Anderson Township, but they are doing a collaborative with the LI, a group of volunteers that have been providing services here for about eight years with programs like the Cool School tutoring program and backpack program. They are now working with LI on a program called Power in Parenting, where parents are taught to prepare their children for pre-school. Their future focus will be to prepare children for kindergarten, as statistics show if they're not prepared at that grade, there's a huge chance they'll not get through the other grades very well. While Loveland has good statistics, their program will focus on getting parents to read to their children, which will increase their readiness for school by over 50%. Mr. Bell asked Council for their support and distributed information to Council. He added that LI is making an impression across the community on how they work with parents and with Beech Acres. Mr. Elliott suggested that Beech Acre's information might be included in the City's next newsletter.

**CITY MANAGER'S REPORTS**

Mr. Elliott asked why Council is looking at 2010 utility rates (Memorandum No. 74) now, especially in light of the current sluggish economy. Mr. Carroll explained Council's policy direction has been to hold utility rates as long as possible and for 2009 he's hearing the need for the City to hold costs and expenses and not pass on increases to rate payers. Beyond 2009 it helps financial planning to have rates set this far in advance so financial models can be built for five and ten years, which is the City's business plan for what those funds' health will be and manage towards that. It also reduces legislation and is how this was handled in past years. He expressed his pleasure at managing so closely to the budget that they're able to not have a rate increase for 2009 and a modest increase for 2010. Regarding recycling, it is believed that residents' responses have been very good. If the City is successful in being awarded a grant, there will be a direct mailing; recycling will also be promoted in the City newsletter. Recycling bins can be requested on the City web site or by calling City Hall; a bin

will be delivered within three weeks. Mr. Zuch reported the Tree and Environment Committee is looking at ways to promote recycling and may be submitting a letter to the public. They also discussed having a representative from Hamilton County Solid Waste or Rumpke address Council. Mr. Carroll reported that has not been scheduled, though there have been numerous contacts with those agencies. He hopes the City will be notified within the next month if they are awarded a grant submitted by Mr. McLaughlin and if awarded, it will be a great opportunity to have a presentation to Council. Discussion ensued on the City of Montgomery's participation in a pilot recycling program. Mr. Carroll stated interest has been expressed to Hamilton County to bring the program to Loveland if the pilot is successful, though it has not been determined yet if the program is cost beneficial. Mr. Fitzgerald pointed out Montgomery was chosen because of their high rate of recycling and therein lies the challenge to Loveland and others to accelerate their efforts.

Memorandum No. 76 reports that bid prices received for salt are more than three times the price of last year. Mr. Fitzgerald commented many of the issues around this astounding increase are beyond everybody's control, but the lesson may be in all procurement processes to evaluate where the City stands in service delivery and in spending City money. Alternative could be to use other supplies, such as sand, or reduce weekly grass cutting and parking police cruisers and walking more. He also pointed out that five years ago, cities were paying \$30 a ton. Mr. Elliott asked for a forecast on the minimum amount of salt that will be purchased at this bid rate. Mr. Carroll explained the City has two salt domes and the capacity to store approximately 1,000 tons; current inventory is around 800 tons, which was purchased at about \$58 a ton. Last winter 1,200 tons of salt was used; based on that, the City could purchase 400-500 tons of salt during the upcoming winter. However, this year the salt company is requiring the City to commit to purchasing 80%, but not more than 120%, of their required tonnage, which Mr. Moreland estimates will be about a 600 ton commitment that would provide more salt than was used last year. If it's possible to get by with a 500 ton minimum purchase, the cost will be \$90,000. The recommendation before Council tonight is to authorize Administration to enter into this contract, particularly since only one bid was received and the bid price is only good for 15 days, not the usual 30 days; however, he may not enter into the contract as other avenues will be explored to achieve a cheaper price. Mr. Braun explained the City has the right to reject the bid, no matter whether it's a certain percentage or not, but he doesn't believe the City's bidding requirements specify automatically doing that and if it wasn't specified, it doesn't apply. Mr. Zuch asked if sand is a viable option. Mr. Carroll stated that's been discussed, but there's concern about the sand staying on the street and not going into storm drains, though that will be explored. Public Works has been challenged to look at other chemicals or organic matter that before seemed cost prohibitive before this salt increase, including the use of calcium chloride. He pointed out the City has made significant investments in plows, salt storage and the use of brine, which has resulted in the City being in a better situation to deal with this now than it was five years ago, and believes it's too early to panic about the salt market. Mayor Weisgerber commented those he knows in the business of snow removal, both public and private, know this turmoil is going throughout the industry and they're all scrambling to figure out the best and most cost effective way to deal with this season's salt prices and Council looks forward to creative solutions.

Mr. Fitzgerald stated the emergency operation exercise, conducted on August 20 as explained in Memorandum No. 78, was absolutely critical training and complimented the entire team that was involved in it. He felt the Code Red telephone communication was helpful in orienting the community and in providing updates from the City Manager on what was occurring during the exercise. Mr. Zuch pointed out he and the City Manager have discussed other possible scenarios and added that while this is a drain on personnel's time, this is important and encouraged this be continued on an ongoing basis. Mayor Weisgerber expressed his appreciation for staff going through this planning and exercise to be ready in case the City experiences certain situations.

## **COMMUNICATIONS**

Mr. Osborne, referencing Communication No. 1, stated there have been comments about Time Warner Cable's upgraded software and since the City pays for Intercommunity Cable Regulatory Commission (ICRC) services, residents can voice their complaints, whether its software, technical, or other issues, to ICRC by calling 772-4272. Mr. Carroll explained ICRC is similar to a council of governments (COG) that includes a membership of jurisdictions, including Loveland. ICRC's job is to ensure that franchises are enforced, residents receive services, and to collectively advocate on behalf of all the communities that join. Discussion ensued. Mr. Zuch expressed appreciation to ICRC for

recording Council meetings, but he wished they would issue correct playback schedules, particularly of the City's recent July 4 parade.

### **COUNCILMANIC WORKSHEET**

Mr. Carroll reported staff continues to monitor and advocate a solution to the hillside drainage at the bike trail. Mr. Zuch explained after talking to Mr. Carroll about this issue, he contacted State Senator Schuler, who reported that ODNR was told that Loveland Excavation (a company connected to Mr. Brennan, the developer) was going to clean the culvert and re-ditch the flow. The City Manager felt the area needed a second culvert. Senator Schuler referred the issue to Senator Niehaus, who is the chair of the Environmental Committee, and Mr. Zuch felt that possibly this is another route the City could pursue. He also brought up the possibility of capturing the water than flows from this natural spring, rather than diverting it, for the purpose of reselling it. He suggested possibly investigating the City taking responsibility for this land from the State or partnering with someone who has experience in bottling spring water to create a new revenue stream for the City to perhaps forego future water rate increases or upgrade the City water system. Mr. Carroll pointed out Council has previously suggested this idea and feels it may be worthy of some exploration. The item was scheduled for a report on February 10, 2009. The Mayor noted this issue has arisen previously and one issue was the non-recycling issue of plastic bottles. The use of corn based biodegradable bottles was suggested, as was environmental issues that may arise around the bike trail. Referencing having a second culvert, Mr. Osborne stated he's had conversations with residents who played in the culvert as children who feel the culvert is packed with items that pre-date World War I. He questioned if the second culvert may be a better solution than repairing the original culvert.

### **OTHER OLD BUSINESS**

Referencing forming an ad hoc committee to review Council Rules and Clerk of Council resumes, Mayor Weisgerber entertained a motion to appoint Mr. Fitzgerald, Vice Mayor Bednar and Mr. Zuch to that ad hoc committee; so moved by Mr. Elliott and seconded by Mr. Osborne. ROLL CALL: Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes. Motion carried.

Per his request for nominations to fill the vacancy on the Civil Service Commission, Mayor Weisgerber entertained a motion to appoint Ms. Paula Mitchell Oguah; so moved by Vice Mayor Bednar and seconded by Mr. Elliott. ROLL CALL: Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes. Motion carried.

As Council had previously approved forming an ad hoc committee for the recognition of Dr. Shuttlesworth, Mayor Weisgerber entertained a motion to appoint Ms. Paulette Leeper, Rev. A.J. Hamilton, Rev. Bill Hounshell, Rev. Tom Stroeh, and Mr. Todd Osborne to that Committee; so moved by Vice Mayor Bednar and seconded by Mr. Fitzgerald. ROLL CALL: Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Weisgerber, yes. Motion carried.

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

Mr. Osborne introduced for first reading AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 953.08 IN ITS ENTIRETY, CHAPTER 953 WASTE COLLECTION, OF THE LOVELAND CODE OF ORDINANCES. Mr. Carroll reiterated there will be no rate increase for 2009 and rates will increase only 5% for 2010, which is less than \$1 per month per single family household; he also believed the 2010 increase would be 5% for commercial accounts. Mr. Taphorn pointed out there are three or four individual components contained in this ordinance and all of them increase about 5%; Mr. Carroll explained that includes the environmental component, which is charged though it is not necessarily provided to the commercial accounts, covering landfill closure and monitoring fees, leaf and brush pickup, recycling and other services that are environmental in nature.

Mr. Osborne introduced AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 921.39, OF CHAPTER 921 WATER SERVICE, OF THE LOVELAND CODE OF ORDINANCES. Mr. Taphorn indicated the increase would be 4% and will begin with the first bill received in 2010. Discussion ensued on the date listed in Section 2. Mr. Braun explained the 2009 date listed is correct as it references the amount charged in 2009, even though it is not an increase; Mr. Carroll concurred with Mr. Braun. The 2010 rate is an increase of 4%, or approximately \$.80 a month based on 8,000 gallons of water per month.

Mr. Osborne introduced RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH COMPREHENSIVE FACILITY SERVICES FOR THE RENOVATION OF THE CITY HALL FINANCE AND TAX OFFICES. Mr. Carroll stated this improvement will provide customers a greater degree of privacy when visiting City Hall to discuss their tax and other personal financial information. They will have an area to step into, rather than conducting their business in the hallway. It will also provide: equality of space for employees; consolidation of job functions in the same physical space; and separation of financial duties to allow one employee (the receptionist) to handle cash and separate the function from other employees who maintain financial data. Mr. Taphorn reported that the City has received a very good report from the auditor and all financial statements are in order, but as a caution, it is important to increase financial controls and this is one step towards doing that. ROLL CALL: Bednar, yes; Elliott, no; Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes. Resolution was approved and assigned the number 2008-59.

Mr. Osborne introduced RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NORTH AMERICAN SALT COMPANY FOR ROAD SALT FOR THE 2008-2009 WINTER SEASON. Mayor Weisgerber pointed out a red-lined copy of the resolution was placed at the table this evening. He entertained a motion to amend the resolution per the red-lined copy; so moved by Mr. Fitzgerald and seconded by Mr. Elliott. The Mayor clarified the modification authorizes the City Manager, but does not direct him to enter into the contract. ROLL CALL (ON MOTION TO AMEND): Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes. Motion to amend carried. Mr. Elliott stated it looks like there may be an approximate \$57,000 difference that will have to be absorbed somewhere in the 2009 budget, more or less perhaps. The Mayor stated if this turns out to be the City's only option, Mr. Elliott may be correct, but he feels they need to be more creative in reducing that budget. Mr. Carroll concurred that the salt cost would essentially double, if based on this bid, compared to what was spent in 2007-2008 winter season so staff will be working to find alternatives. Mr. Fitzgerald's point of looking at level of services may be something that may have to be done and staff will have to be very careful rationing salt; however, that's not to say they won't do as much snow removal, but it will be carefully managed because of significant cost that may be a hit to the General Fund. Mr. Elliott stated part of the reason why he voted no on the Tax and Finance Office remodel is theoretically having a deficit of \$55,000 while looking at a cost savings of \$15,000 - \$20,000 that might be put off until later. Mr. Carroll added that he's pleased to report the City received a \$26,000 reimbursement from FEMA for snow removal costs incurred earlier this year. He also recognized Mr. Steger, Mr. Moreland and Mrs. Kroeger for their efforts in submitting documentation for that reimbursement. Discussion continued on all communities turning to other sources to reduce the demand and lower the price of salt in the future. The Mayor reiterated that Administration has a challenge to mitigate the costs through finding alternative solutions. ROLL CALL: Elliott, yes; Fitzgerald, yes; Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes. Resolution was approved and assigned the number 2008-60.

Mr. Osborne introduced RESOLUTION RECOGNIZING AND AUTHORIZING A DEVIATION FROM THE TARGET FUND RESERVE AS ESTABLISHED BY RESOLUTION 2004-53 FOR THE SANITATION AND ENVIRONMENT FUNDS FOR THE CITY OF LOVELAND'S 2009 BUDGET AND CAPITAL IMPROVEMENT PROGRAM. The Mayor pointed out that as done in the past, the Finance Committee has recognized the need to adjust the reserves in the fund or adjust the legislation and this resolution is the adjustment to the regulations. Mr. Zuch noted that overall there are reserves in many funds and while the budget is tight, he feels they do a good job on the budget. If it comes to making tough choices and making this adjustment, this is a worthy adjustment. ROLL CALL: Osborne, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes. Resolution was approved and assigned the number 2008-61.

#### **OTHER NEW BUSINESS**

Mr. Fitzgerald commented the City is a member of a coalition of communities via a number of organizations, two of which are the Ohio Municipal League (OML) and the National League of Cities (NLC). He feels Council may be serving themselves and the community better if they would afford themselves the opportunity to perhaps participate more actively in those organizations. He suggested a budgetary amount be designated to fund up to three members of Council to attend the annual meeting of the OML and NLC; in the event that Council Members could not attend, perhaps the City Manager or his designees could participate in those programs. He believes this would help engage and perhaps help Council anticipate some things as they arise and asked that the City Manager report background on scheduling, cost of registration, how long the events last and where they're located, etc.

Mr. Carroll responded that he will do so. Mr. Elliott noted the City is a member of the Loveland Area Chamber of Commerce and asked if they're members of Warren and Clermont County Chambers. Mr. Carroll explained the City has been in the past, but the memberships were discontinued in the Clermont and Greater Cincinnati Area Chambers. To Mr. Fitzgerald's point, many times the City receives renewals and never questions the benefit they receive from that, though staff has often found they are unable to attend the meetings. Participation has not been very active in Hamilton County Regional Planning and NLC and he's made decisions somewhat unilaterally to discontinue these memberships based on a financial management issue and to not keep doing the same thing they've always done. He suggested Council may want to have discussions to see if these or other memberships are worthy and what other organizations they may want to participate in. Mr. Fitzgerald felt it may be helpful to circulate a listing of all the organizations, not just the ones that are all voluntary, such as the Ohio, Kentucky, Indiana Regional Council of Governments (OKI), which is the metropolitan planning agency that divvies up transportation money. With the City being in three counties, Mr. Carroll's point is well made and it might be helpful to take an overall inventory and then decide where they belong.

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. Osborne and seconded by Mr. Elliott. ROLL CALL: Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes. Motion was approved and Council went into executive session at 9:15 p.m.

The Mayor entertained a motion to reconvene the regular session; so moved by Vice Mayor Bednar and seconded by Mr. Fitzgerald. The motion was approved by unanimous consent and the meeting reconvened at 10:34 p.m.

The Mayor entertained a motion to adjourn; so moved by Mr. Elliott and seconded by Mr. Osborne. The motion was approved by unanimous consent and the meeting adjourned at 10:35 p.m.

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Mayor

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Clerk of Council