

**MINUTES OF THE REGULAR
MEETING OF LOVELAND CITY COUNCIL
Tuesday, October 14, 2008**

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

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

Also Present: Mr. Carroll, City Manager; Mr. Wright, Assistant City Manager; Mr. Klaine, Solicitor; Mrs. Cox, Clerk of Council; Chief Huber; Chief Sabransky; Acting Deputy Chief Wilmes; Mr. Steger, Assistant Finance Director; Mrs. Tait, Utility Billing Clerk; Mr. Rees, Safety Director; Police Specialist Shockey

Vice Mayor Bednar moved to approve the minutes of the September 23, 2008 Council meeting; seconded by Mr. Elliott. The motion was approved by unanimous consent. Mr. Zuch moved to approve the minutes of the (first) September 23, 2008 Council public hearing; seconded by Mr. Osborne. The motion was approved by unanimous consent. Vice Mayor Bednar moved to approve the minutes of the (second) September 23, 2008 Council public hearing; seconded by Mr. Osborne. The motion was approved by unanimous consent.

PERSONS APPEARING BEFORE COUNCIL

Ms. Holly Christmann, Hamilton County Solid Waste Management District, stated programs they offer for Hamilton County residents, including all City of Loveland residents, include free household hazardous waste drop-off, yard waste drop-off, and computer recycling. She commended the City for their commitment and support of residential recycling, as the City recycled about 857 tons of materials in 2007. With the average residential recycling rate for Hamilton County communities at about 10%, Loveland's 2007 rate was above 14% and that increased to 15.5% in the first half of 2008. From a focus group study conducted this year, they've been told people do not recycle because of confusion on what can be placed in curbside bins, myths that their recycling is dumped in a landfill, lack of time and importance to recycle. With the City's goal of reaching a 20% recycling rate, Ms. Christmann suggested making information available to residents on obtaining a bin and providing a list of recyclable materials utilizing the City web page, direct mailings, and email. She also suggested providing drop-offs, particularly for multi-family units that don't have curbside recycling, making recycling available in public areas, parks, and festivals, utilizing free media outlets (including editorials), and involving residents to promote recycling participation. She also explained a volume based program utilized by a neighboring community that charges extra for garbage exceeding 35 gallons, but permits unlimited recycling. A press conference will be held tomorrow announcing their partnership with Rumpke and the City of Montgomery for a pilot incentive program called Recycle-Bank, which has been developed to reward residents financially for recycling. A 64 gallon recycling cart is embedded with a radio frequency identification chip that is scanned to determine the weight and address and credits that residence when the cart is emptied. Residents are given credits that can be redeemed at various stores. Since this is a pilot program, it will be watched to determine if the cost makes up for the increase in recyclables and decrease in landfill waste. Regarding rumors that recyclables are being dumped in the landfill, Ms. Christmann pointed out Rumpke switched their recycling trucks to look like their rear load, packer garbage trucks to move recyclables from the curb to their recycling facility in a more efficient manner. She suggested that Council and anyone in doubt take a tour of their material recovery facility to see where recyclables are going and to see the investment made in these centers. While they don't have any regulatory authority over the waste haulers, they provide funding to the Health Department to ensure they're in compliance. Mr. Zuch stated the City will achieve the 20% recycling goal. Discussion continued on no longer needing to sort recyclables and the District making loaner recycling containers available for public places and events.

Mrs. Peggy Goodwin, appearing on behalf of the Loveland Beautification Committee, introduced Mrs. Lynn Oury, Mrs. Donna Bednar, Mrs. Cynthia Tait, and Mrs. Cindy Jones, Committee Members, and Members who were not present, Mr. Mike Wise and Ms. Becky Giver. Tonight they will recognize businesses, neighborhoods and homeowners who were selected by their Committee for special recognition. As pictures were shown, awards were presented as follows: Best Overall Commercial Display, The Loveland Post Office; Best Neighborhood Entryway, Carrington Crossing; Best Container

Garden, Ms. Mary Ellen Elliott; Best Window Box Display, The Howcroft Family; Best Whimsical Display, the Wilson Family; Best Pocket Garden, Mr. Larry Haverkamp; and Best Residential Entrance, Jamie and Theresa Heffler. Mrs. Goodwin thanked all their volunteers for making Loveland a great place to live. Mayor Weisgerber extended his thanks to the Beautification Committee for all their hard work and investing their time in making the City look good.

After a brief recess, the Mayor entertained a motion to enter into a public hearing; so moved by Vice Mayor Bednar and seconded by Mr. Osborne. The motion was approved by unanimous consent. This meeting reconvened at 8:39 p.m.

CITY MANAGER'S REPORTS

Discussion ensued on setting dates for December Council meetings. Mr. Schickel moved to have meetings on December 9 and 16; seconded by Mr. Fitzgerald. ROLL CALL: Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes. Motion carried.

Mayor Weisgerber expressed his appreciation for the quarterly report and the number of ongoing projects to achieve Council's goals. Making reference to the Environment and Tree Committee relating to the ash tree inventory, Mr. Zuch suggested implementing the collection of ash tree seeds that could perhaps be stored at the Historic Society. He felt there may come a time when the ash tree is no longer threatened and they could be reintroduced in Loveland.

Memorandum No. 90 explained a resolution on tonight's agenda authorizes the purchase of deicing salt at a price of \$130 a ton, which is significantly cheaper than the bid the City opened in August. Mr. Carroll explained he made a commitment to Evans Landscaping within the financial limits of his authority and they've guaranteed they'll provide 500 tons of salt for the upcoming season. With the 800 tons of salt in storage, that should provide the typical amount to get through a winter; however, they will probably end the 2009 winter without a stockpile of salt so they'll be facing the same issue in 2009-2010. The City will be obligated to purchase the 500 tons under this contract. Mr. Carroll reported that North American Salt submitted a bid in August for \$173.85 a ton; however, they did not enter into the contract with the City as of September 23 so the contract was cancelled. Contracting with Evans will save about \$22,000 this season.

Mr. Osborne commended the committee appointed to review Council Rules and suggested modifications as follows: Rule 13, subsection 4, change to "engage in disruptive conversation with others during a Council meeting while Council business is in session" (rather than "taking place over the microphone"); in Rule 17, he requested there be a definition of "sanction" and an inclusion of "any removal of officers shall follow procedures set forth in the Ohio Revised Code (ORC) Section 3.07 – 3.10." Mr. Elliott felt the last suggested sentence (All Council Members will adhere to the highest ethical standards) in Rule 16 is redundant, since they are to follow the ORC. Regarding suggestions on the dress code, Vice Mayor Bednar explained the insertion in Rule 14 was proposed to allow business casual attire between June 1 and September 15; conservative business dress would be appropriate for the remainder of the year. Mr. Zuch felt the amendment to Rule 16 was proposed not only for this Council, but for future Members to relate to and understand what policies and procedures are the law, in case someone would violate their ethical standards. Mr. Elliott pointed out that before taking office, the Solicitor advises Council Members on procedural matters that are covered by the ORC and he's uncertain if it's their place to elaborate on that. Mr. Osborne stated his belief that as the head of the corporation of the City of Loveland, this would serve as Council's ethics statement that they will uphold and adhere to the highest ethical standards and it is proper to place this in their Rules, being just like any other corporation having an ethics statement. Mr. Schickel pointed out there's never been a provision in Council Rules for a dress code. Mr. Zuch explained the Vice Mayor was suggesting perhaps the dress code could be relaxed, thus having business casual during the hot months. Mr. Klaine explained ethical standards don't pertain to just Rule 16 and suggested expanding their preamble to spell out a much broader sequencing of events, as that would apply to all actions of Council and not just executive session. He also questioned who would sanction a member who was in violation and what are the potential sanctions stated in Rule 16, as there are certain State law violations that may come into play which tend to be outside of Council's realm. Mayor Weisgerber felt that the reference to business casual dress would be best left as a recommendation. Mr. Zuch concurred with Mr. Klaine regarding his recommendations addressing an ethical standards statement and revisions to the preamble. Mr. Fitzgerald stated the basic framework of Council Rules is very well done and solid, but the greatest contribution the committee made is tidying up items, such as the

statement that Council will meet on the second and fourth Tuesday, rather than stating they'll meet twice a month, and addressing some revisions to committees. He pointed out that as a home rule city, they have the flexibility of establishing their own rules as long as they don't contradict state statutes. Discussion continued on the proposed revision regarding a dress code. Mayor Weisgerber asked that any recommendations for corrections or modification be sent back to the members of the committee (Vice Mayor Bednar, Mr. Fitzgerald, Mr. Zuch and staff) for final incorporation that will be brought back to Council before requesting draft legislation. He pointed out, as stated by Mr. Osborne, there will be certain items that will require definition, clarity, or omission.

After discussion on establishing a date, the Mayor entertained a motion to hold a special Council meeting on Wednesday, October 22, at 6:00 p.m. for the purpose of interviewing candidates for the Clerk of Council position; so moved by Mr. Zuch and seconded by Mr. Osborne. ROLL CALL: Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Zuch, yes. Motion carried. Mr. Carroll clarified the interviews will be held in executive session.

Regarding staff's report on electronic message display sign zoning text amendments, Mr. Osborne expressed concern about maintaining an allowance for dissolving (or wiping) an affect between messages. He felt some areas have made restrictions on this to avoid looking like Department of Transportation signs that flash and blink. Other concerns are about having a residential component, such as the Presbyterian Church and residents on Robin Avenue, though he believes there can be compromises on brightness, perhaps requiring a light censor, and restricting hours of operation an electronic message display sign can operate. He felt text should be withdrawn as far as concerning signs inside a building, as he doesn't believe that will hinder traffic. Regarding Section 1173.02(l)(4), text should be added specifying that wall signage could be used if ground signage is not physically possible; for example, Loveland Stage Company has no land to put a sign. He also recommended deleting Section 1173.02(l)(8) and stated there should be regulations, but they shouldn't be too restrictive. Mr. Zuch stated his appreciation for staff's rationale and felt P&Z's minutes shed much light on the issue. Regarding the Stage Company asking for an exception from the zoning so they could have a wall sign, Mr. Wright explained as currently proposed, the text amendment would prohibit their doing so; it would require a subsequent text amendment to allow a non-ground sign using this technology in any City district. Mr. Schickel felt there are some locations where these signs would work and they would be good for the community and enhance businesses, churches, etc. While he believes Council's thinking has been based on the people who have requested the signage, he feels there are other areas where this signage should be considered and feels Council needs to figure a way around having a blanket prohibition in the Historic District. He's not willing to approve this the way it is now, then deal with it later. Mr. Osborne pointed out the High School could not get a new sports scoreboard under these restrictions. The Mayor reiterated it will take six votes of Council to modify and overrule P&Z or they should make suggestions and send it back to P&Z. Discussion ensued on whether Council could bring forth a new ordinance, rather than removing this ordinance from the table.

COMMUNICATIONS

Mr. Fitzgerald acknowledged the letter from Mr. Blade, of Duke Energy, commending the City for their services during the recent storm. He explained that Duke has hosted a number of community meetings where he felt the message was that Duke Energy needed to improve their communications, either through a new telephone system or other means, as there was much frustration during the storm because Duke reported areas had electricity when they didn't. There was also discussion on Duke's concerted effort to provide phone contacts to public officials for not only a major catastrophic event, but for normal operations so there's more personalized, one-on-one contact, especially with local government. Mr. Zuch stated he received a conference call during the recent outage from U.S. Representative Schmidt and Duke Energy updating residents on their efforts, which he found very helpful. While he knows it would be expensive and maybe cost prohibitive, he questioned if underground utilities had been considered, as it's amazing the difference it makes in the community and increases the reliability of services, though the grid connected to that community has to be functional. He feels this would be a good long-term goal for the City. Mr. Carroll expressed his appreciation for Mr. Blade's work on the City's behalf. He also concurred on underground utilities and cautioned there were two neighborhoods during the recent storm that were without power for at least a week, one of which had underground lines that burned out; they now have an aboveground temporary fix. He does not see underground utilities in the short term.

The Mayor asked for clarification on the Financial Report, as he thought the 2009 income tax collection budget was going to be lower than the ending for 2008 (\$3,058,000). Mr. Steger explained they have been more pro-active in collecting returns that were filed, but have never been paid, which has resulted in an increase in the year end projection. Regarding the business profit tax being down, he explained that decrease was expected, though the \$152,490 is slightly higher than what was initially anticipated, but they've had increases in other areas that will offset this additional loss. Accounting for a one-time extraordinary business profit tax from last year, the 3.3% growth is fairly representative across the board this year. Mr. Carroll stated that projections are being met currently and based on data being tracked, any economic downturn the economy is experiencing is not having dramatic impact on the City's income tax collections. He credits this to the City having a heavy residential tax base and this year being an excellent business recruitment and retention year, for which he recognized the efforts of Mr. Wright for those successes.

Mr. Fitzgerald asked if they'll be discussing the linkage between the Downtown property acquisition options (Memorandum No. 92) and Mr. Taphorn's treasury and debt management memorandum (Communication No. 8) at this week's Finance Committee meeting or if they'll be focusing on the 2009 budget. Mr. Carroll stated they will be focusing on the third quarter financial report and Mr. Taphorn's treasury report, which addresses his fiscal plan should Council's policy direction be to exercise those options.

COUNCILMANIC WORKSHEET

There were no reports due this evening.

OTHER OLD BUSINESS

Vice Mayor Bednar moved to untable the Christman farm ordinance; seconded by Mr. Schickel. Vice Mayor Bednar also asked that Mr. Carroll update Council on renting or not renting the property and transferring the property to CIC to make it easier to act at a future date. Mr. Carroll reported transferring this property to the CIC does not have any tax implications. Leasing the property would require a lot split, which could create tax implications moving forward. With the intent of leasing the property to create a modest revenue stream and given concerns they've heard from Council, staff's recommendation is to not move forward with any lease arrangement. Mr. Zuch recommended that if the property is going to be held a short period of time, they shouldn't waste time and money to lease it; if it's held for an extended period of time, perhaps CIC might want to consider leasing. Mrs. Cox pointed out this ordinance was tabled only until October 28. Mr. Klaine explained the ordinance will come off the table automatically on the 28th, but Council could vote to take it off the table at an earlier date. Vice Mayor Bednar withdrew his motion; Mr. Schickel withdrew the second.

NEW BUSINESS – ORDINANCES AND RESOLUTIONS

Mr. Osborne introduced A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. ROLL CALL: Osborne, yes; Schickel, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes. Resolution was approved and assigned the number 2008-67.

Mr. Osborne introduced RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EVANS LANDSCAPING FOR ROAD SALT FOR THE 2008-2009 WINTER SEASON. ROLL CALL: Schickel, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes. Resolution was approved and assigned the number 2008-68.

OTHER NEW BUSINESS

Mr. Zuch thanked the Lodge Retirement Community for hosting tonight's meeting and making them feel welcomed. He expressed hope they'd get to come back sometime.

Mr. Fitzgerald commented the welcome Loveland City Council banners displayed tonight are great and hoped they can commandeer them. He also noted Little Miami Inc. hosted a celebration of the 40th anniversary of the Scenic Rivers Act where Mayor Weisgerber offered very nice remarks. In attendance were the Director of the Ohio Department of Natural Resources and the National Park Service Regional Director and other dignitaries who were very complimentary of our community and all of the natural, physical and development amenities of the community. He believed the Little Miami

River was the first designated national and state scenic river and there are currently 14 in the State of Ohio.

There being no further business to come before Council, 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 Vice Mayor Bednar. ROLL CALL: Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes. Motion was approved and Council went into executive session at 9:52 p.m.

The Mayor entertained a motion to reconvene the regular session; so moved by Mr. Fitzgerald and seconded by Vice Mayor Bednar. The motion was approved by unanimous consent and the meeting reconvened at 10:59 p.m.

The Mayor entertained a motion to adjourn; so moved by Mr. Elliott and seconded by Mr. Schickel. The motion was approved by unanimous consent and the meeting adjourned at 11:00 p.m.

Mayor

Clerk of Council