

**MINUTES OF THE REGULAR
MEETING OF LOVELAND CITY COUNCIL
Tuesday, October 28, 2008**

Mayor Weisgerber called the meeting of the Loveland City Council to order at 8:07 p.m. The Pledge of Allegiance was recited.

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; Mr. Taphorn, Finance Director; Mrs. Stephany, Assistant to the City Manager; Police Chief Sabransky, Pastor Hounshell, Police Chaplain; Mr. Rees, Safety Director; Police Specialist Shockey

The Mayor recognized Mrs. Furterer, Loveland Stage Company; Dr. Boys, Loveland City Schools Superintendent; and Ms. Leeper, Former Council Member and Executive Director of the Loveland Area Chamber of Commerce.

Mr. Fitzgerald moved to approve the minutes of the October 14, 2008 Council meeting; seconded by Mr. Osborne. Mr. Zuch asked that the second paragraph, last sentence under City Manager's Report reflect "the ash tree is no longer threatened" (rather than "is no longer a threat"). The minutes were approved as corrected by unanimous consent. Mr. Zuch moved to approve the minutes of the October 14, 2008 Council public hearing; seconded by Vice Mayor Bednar. The motion was approved by unanimous consent. Vice Mayor Bednar moved to approve the minutes of the October 22, 2008 special Council meeting; seconded by Mr. Zuch. The motion was approved by unanimous consent.

PERSONS APPEARING BEFORE COUNCIL

Mr. Carroll explained the City received 103 applications for the position of Assistant to the City Manager and Mrs. Amanda Stephany was selected for the position. She, her husband Craig, and son Caelek are new City residents. Mrs. Stephany brings a strong human resources background to City staff. Solicitor Klaine administered the oath of office to Mrs. Stephany.

OPEN FORUM

Mrs. Patricia Furterer, representing the Loveland Stage Company (LSC), stated this has been a devastating week for LSC and the community (due to the fire that heavily damaged their theater) and thanked the Loveland-Symmes Fire Department (LSFD), the other fire companies that responded, and the Loveland Police Department. She explained the community's outpouring has been overwhelming, with offers from theater groups, art centers, and other to loan their props, costumes, facilities, etc. LSC lost 29 years of costumes, including a large fur collection, and new stained glass windows, which the Kessler family has offered to replace. Mrs. Furterer also thanked Dr. Boys, Loveland High School, and Mrs. Carol Hadley for opening their facilities so the LSC could continue their current show, The Pajama Game, and commended the LSC cast, crew, and director for rallying. Their next production, Ms. Saigon, has been postponed until when they hopefully reopen the theater. With all the work they have to complete, she reported the best thing that can be done for LSC is to give money and LSFD has opened a fire fund at Lebanon Citizens National Bank. Mrs. Furterer personally thanked Mayor Weisgerber and Vice Mayor Bednar for coming to her aid.

Ms. Germaine Dunn, 731 West Main Street, stated she's here tonight to support the Loveland Initiative (LI) because they have been supportive of her and her two children. She moved from another area two years ago and LI has provided them clothes, diapers, and household and personal items and she believes they need to stay open because there are many families that are helped by them. Since she is a single Mom and her children's dads are not active, it is very hard and LI has been great. Her son attends Cool School twice a week and due to their tutoring, he has made the honor roll. She asked that Council consider what she said and thanked them for allowing her to express her feelings.

Ms. Dana Montgomery, 515 Park Avenue, stated she's here to speak on how important LI is to the community. Her sister, who was expecting her fifth child and had no clothing, food, or shelter and was in a horrible marriage, was placed in a home where their family could stay together. LI also helped her get a job, supplied items for the newborn baby and helped her get her life together when no one else

could. While LI is almost completely funded, they are hoping to get a small chunk of the Community Block Grant so they can establish permanent funding in the future. Ms. Montgomery stated the community, the people who give to them, is what has made LI successful and allowed them to open their doors and give back. She asked that Council consider this and not close their doors. It is important to Ms. Dunn and other single moms whose children's fathers are out of the picture. She feels it's an honor to help these families and asked that this not be taken away.

Dr. Kevin Boys, Superintendent of Loveland City Schools, stated on August 30, 2007 he called the Loveland Police Department (PD) following a call to the State Auditor's Office because of some allegations of wrong doing on the part of their former treasurer. After 13.5 months, the State Auditor issued a report and as a result, they can now talk publicly about it. He's here tonight to commend the PD for the job they did in assisting the District in the initial investigation and to publicly thank Council. He recognized the professionalism and care shown by Chief Rees, Chief Sabransky, and Detective Bomske when dealing with their employees. He also expressed appreciation for the communication as their investigation moved forward.

CITY MANAGER'S REPORTS

Memorandum No. 96 explains an ordinance before Council tonight authorizes consolidating three City general government funds into one. If approved tonight, the consolidated fund will be incorporated into the 2009 Budget and Capital Improvement Program.

Referencing two resolutions before Council tonight relating to annexation of Loveland High School (Memorandum No. 97), Mr. Carroll pointed out revised resolutions were emailed to Council and copies have been placed at Council's seats. The revisions are a result of corrections to the annexation plat.

Referring to the Downtown Job Creation and Revitalization project (Memorandum No. 98), Mr. Carroll announced that the City, through the efforts of Mr. Wright, secured a \$250,000 Appalachian Regional Commission (ARC) grant to provide direct assistance to close the private sector financing gap. He commended Mr. Wright for his excellent work in securing this grant and for obtaining another grant in the amount of approximately \$349,000. He felt a motion of Council could direct staff to move forward with the purchase of the Downtown property, as Mr. Taphorn has a financial plan in place and Mr. Klaine's office has prepared the necessary documentation. Council could also let the options on the property lapse. Mr. Carroll also explained the \$349,000 Clean Ohio grant secured by Mr. Wright will procure land within the City's wellhead protection area and they've been told the City will receive an ODNR grant; those two grants and approximately \$100,000 from the Water Fund will secure a 10 acre green space between the Little Miami River and the bike trail along Cones Road. Mr. Elliott commented that if the City receives a CDBG grant, all those funds will go toward the Downtown redevelopment, as opposed to any funds going to LI or any other program. Mr. Carroll stated staff has recommended over the last two years that the City apply for a CDBG funds for the Downtown project. Three years ago, LI approached the City and CDBG grant applications were awarded for improvements to the Tot Lots and LI was awarded \$36,000 over a three year period. Council held a public hearing for CDBG funding at their September 23 meeting, after which they directed staff to advertise a second public hearing, which was held on October 14, to get input on submitting an application for the Downtown project. A resolution is on tonight's agenda to designate the CDBG funding for the Downtown project, but if Council wants to direct those funds to another organization or project, they can do so. He and Mr. Wright concur the City needs these funds for the success of the Downtown Job Creation project. They concur the City derives benefits from LI, but they feel it is also important to create jobs for those who live in or can commute to the City, including their low to moderate income people who benefit from programs like LI.

The Mayor announced this discussion will be interrupted to conduct a public hearing. This meeting reconvened at 9:02 p.m. and discussion continued on Downtown property options. Mr. Elliott pointed out the City will be applying for a CDBG grant for one specific item and in the past this was used to help LI and he thinks that needs to be included as a consideration. Pointing out this was discussed by CIC tonight and all Council Members were there, Vice Mayor Bednar moved that Mr. Carroll or Mr. Wright and Mr. Klaine exercise the options on the Rogers, Schmidt and McCoy properties; seconded by Mr. Osborne. Mr. Carroll explained the City has contracted to purchase these three Downtown properties and if he understands the motion correctly, staff would execute those contracts in November. The three properties would be procured for a total of \$665,000; the City's General Fund, or Income Tax Fund, would be reimbursed next February with a large rollover note from previous

purchases. The debt would be retired from Tax Increment Financing. Mr. Schickel reminded Mrs. Cox he will be recusing himself. Mr. Zuch commended Mr. Wright for his excellent work in procuring funds so taxpayers' dollars don't have to be spent to help develop this property. ROLL CALL: Zuch, yes; Bednar, yes; Elliott, no; Fitzgerald, yes; Osborne, yes; Weisgerber, yes. Motion carried.

Memorandum No. 99 explains Mr. Carroll's recommendation to apply CDBG funds to help create jobs in the Historic District. Discussion ensued on what steps can be taken to include LI in the CDBG application. Mr. Carroll suggested the City apply for two funding cycles. Being on a three year funding cycle, they could ask for an advance on the next funding cycle for the Downtown Job Creation project, though he pointed out there is a finite amount of resources and Hamilton County will receive many more requests than they'll have resources to fund. Mr. Fitzgerald recalled that a representative spoke on behalf of the LI at their last meeting and asked if they requested a specific amount. Mr. Carroll stated they've not received a specific request and it is staff's understanding the \$1,000 a month they're currently receiving through CDBG will not be sufficient to meet their current obligations, as they've been exhausting their annual funding in 10 or 11 months. Mr. Zuch recalled when LI first requested CDBG funding, they were told it would be a onetime grant by the City and asked if anyone knows why there's a second request and if they fulfilled the requirement requested by the City. He's not questioning if LI is a worthy cause and he's sure they're helping people, but these are funds competing for job development, which will also aid low to moderate income families. Mr. Carroll stated there were a number of requirements and Council was explicit this would be a onetime, three year grant, when they agreed to include them in the last funding cycle. There were other requirements staff asked of LI, such as how they advertise their meetings to ensure they are open to the public and that has not been fulfilled. They were asked to submit rules on handling conflicts of interest, such as when board members vote on programs that could potentially support their family, or how they would raise additional funding, and that information has not been received. There are also concerns if they're serving all the federally subsidized housing units and other low to moderate income community people. While they are a very worthwhile organization that serves a number of people, when dealing with public funds, there's a certain amount of accountability. LI still has one year of funding under the previous allotment so they still have time to secure other resources. Mr. Fitzgerald stated his understanding that CDBG funds can be used for not only projects, but for programmatic activities such as LI, a senior citizens center, etc., all of which are ongoing and it's not uncommon for agencies that are providing these services to request funding in succeeding rounds. He questioned if the City couldn't notify the Community Development Department if contractual and reporting requirements weren't being met before funds are dispersed and stated he couldn't see where \$36,000 over three years would put the Downtown redevelopment project in jeopardy. Mr. Osborne pointed out LI was told three years ago this is seed money and they've had three years during which they were to procure new funding sources. There are also other nonprofit organizations that can provide help, such as LIFE, but he feels if Council chooses not to designate \$12,000, they will still go on. After LI was given a one shot deal of \$36,000, they found a new home, but he suggested they talk to the school district, as other nonprofit groups rent facilities from schools or get space at low to no cost. He feels Council has been generous and the job creation job fully takes care of the next three years of this grant. Mr. Schickel pointed out he was part of the discussion three years ago and knows the relationship has not always been great; at the same time, he feels LI is appropriate and it serves the community quite well in some respects. If funding could be kept at approximately the same level, he would support it. Mr. Elliott stated it sounds like that it's all they seem to find about LI is criticism and this is the first he's heard of LI's issues with Administration regarding reporting or public meeting notifications. While the \$36,000 Council helped provide for them has made them more successful and maybe that means they do need more and may mean they're outreaching to more people. He couldn't say Council has been generous, but could say they've been considerate to include LI in getting funding. Mr. Zuch pointed out he has been complimentary, not just critical, but Council needs to make sure that Administration has communicated where LI has come up short in their contract. He could support a separate grant request for additional funding once they see LI has met the terms of their contract, but he doesn't want to take away from the grant request they already have if LI hasn't lived up to their current contract. Mr. Carroll stated staff does communicate with LI and Mr. Wright reviews all their invoices so in no way are public funds being spent to support this program not being properly vetted and he would not want anyone to assume otherwise. It is not incumbent upon the City to tell them all the ways they're deficient, as he feels that would probably lead to acquisitions of micromanagement. The City reviewed the contract with them and helped them understand it, but they're not conducting business in compliance with the contract. He also doesn't want it to be assumed that the City is in anyway not fulfilling their end of the contract; it's incumbent upon LI to fulfill their end. Vice Mayor Bednar stated

he would support a second grant cycle, but feels they should set an amount and allow other 501(c)(3) or community service organizations to participate in that pool of money so they're offering it to the City at large, not just one organization. The Mayor pointed out Council will have a resolution tonight, at which time Mr. Elliott asked to speak again. The Mayor continued to explain there will be a resolution before Council and they'll have discussion then. He'd like to get through this now, as they will recognize Council Rules addresses multiply times of going through discussions and they will run into a time constraint with the agenda this evening.

Addressing Memorandum No. 100, Electronic Message Display Sign Zoning Text Amendment, Mr. Zuch thanked those who presented their perspective on this at tonight's public hearing and Mr. Kressler for expressing the Commission's insight. He feels Council needs to either pass or amend the ordinance or send it back to P&Z, which is his least favorite choice since he feels they've given good rationale and there are people who need to move forward with their plans. Mr. Schickel concurred with Mr. Zuch and feels the time has come for electronic display signs in many areas of the community. The key is a tightly controlled conditional use, both in the Downtown and residential neighborhoods. It allows a public hearing and looks at the situation, the location, what it will look like, and who it will affect. Discussions on the Downtown development proposed having a bank at the five corners intersection and an electronic display sign might well be appropriate; this ordinance would ban it. Mr. Schickel moved to untable this ordinance; seconded by Mr. Zuch. ROLL CALL: Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Zuch, yes. Motion carried. Discussion ensued on whether to introduce the ordinance for second reading at this time or during "Old Business." The Mayor pointed out it takes a majority of Council to approve or defeat the ordinance and six votes to modify it. Mr. Schickel moved to remove the word "Historic" in Section 3, paragraph (L) from the ordinance; seconded by Mr. Osborne. For clarity, Mr. Osborne asked if the ordinance title should be read being amending. Mr. Klaine felt it wouldn't hurt and the Mayor asked Mr. Osborne to introduce the ordinance.

Mr. Osborne introduced for second reading ORDINANCE AMENDING CHAPTERS 1107 AND 1173 OF THE LOVELAND CODE OF ORDINANCES TO DEFINE, PERMIT, AND REGULATE ELECTRONIC MESSAGE DISPLAY SIGNS. The Mayor noted a motion has been made to amend this ordinance. Mr. Zuch expressed hope that P&Z uses their conditional use abilities to not allow these signs on East Loveland. Mr. Osborne stated he agrees with P&Z, but with the Historic District there is also a gas station that will probably want to upgrade their sign, but this would have to be modified to allow even a simple electronic display. Responding to Mr. Zuch's comments, Mr. Schickel stated he's not a fan of having a lot of these signs in any area, but he doesn't support a total ban. The Mayor stated he's never been a big fan of electronic signs without keeping a leash, as displayed at a center on I-71, but this ordinance does keep signs from becoming too obtrusive. His biggest concern with the modification is History Downtown, as they need to maintain and preserve as much of the feel as they can, but with a provision to limit it to ground mounted signs and since there's very little place, he feels it won't overrun the Historic District. ROLL CALL (ON MOTION TO AMEND): Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Zuch, yes; Bednar, yes. Motion carried. Mr. Osborne moved to amend the first paragraph under Subsection "(L), Electronic Message Display Signs...", that the first paragraph read, "When the display changes, it shall change with no flashing or blinking" and eliminating the word "blending," changing it to "blinking"; seconded by Mr. Schickel. Mr. Osborne feels, as discussed in the public hearing, Council shouldn't over regulate. There are signs that are appropriate for St. Columban, such as the Loveland High School sign and it has scrolling fonts that flash at times. He noted there are brightness regulations set by ODNR and he doesn't feel it's Council's prerogative and duty to make sure fonts aren't rolling or scrolling; problem areas are where there's brightness and flashing, as it may cause confusion between a real emergency sign. Mr. Elliott stated society is getting their information from the internet, perhaps church bulletins, emails, not from LED signs that perhaps are now passé. He has concerns they will be allowed in some areas and not in others, but he does not favor lighted signs in residential neighborhoods. He feels there are other trade-offs and asked that Council take another look at this and include the business, residential, and church communities. Mr. Zuch asked for clarity on the amendment. Mrs. Cox restated that Mr. Osborne moved, Mr. Schickel seconded, that section (L)(1) should read: "When the display changes, it shall change with no flashing or blinking." Mayor Weisgerber commented that what Council often does is try to set a community standard and that often requires balance; in this case, with the intent of the work of P&Z, and as nitpicky as it may seem, he would like to leave the ordinance as is. ROLL CALL (ON MOTION TO AMEND): Osborne, yes; Schickel, yes; Weisgerber, no; Zuch, yes; Bednar, no; Elliott, yes; Fitzgerald, yes. Motion to amend failed. ROLL CALL (ON

AMENDED ORDINANCE): Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes. Ordinance was approved and assigned the number 2008-69.

Referencing Memorandum No. 101, 2009 Wages, Classifications and Benefits, Mr. Zuch commended Administration for encouraging employees to live within the City, as noted in Section 155.19 Relocation Benefit. He suggested it would be a much better employee benefit to provide the entire \$5,000 relocation benefit upfront, as \$1,250 per year over four years won't help out much with a down payment; however, the employee could get \$5,000 and quit the next day. The State of Ohio has a down payment assistance program (DAP) that puts a second mortgage on a home that's forgivable; they'll forgive 11% of the grant for 11 years, after which there would be nothing owed. Mr. Carroll suggested they have Mr. Klaine research this, as they recently discussed with the Christman farm that the City having an interest in real estate with an employee can be problematic.

COMMUNICATIONS

Discussion ensued on the leaf collection schedule. Mr. Carroll explained the City will not pick up leaves after the scheduled pickup date has passed; however, recognizing leaves don't necessarily fall on the City's schedule, they'll continue to provide services as required. He commended the Public Works Department for the incredible amount of overtime they worked to complete the brush and limb pickup for 2008 due to the recent storm. Within days of Hurricane Ike, impact of the storm couldn't be seen in many neighborhoods. Mr. Osborne also complimented the Public Works Department on cleaning the scene at the Loveland Stage Company fire so that two lanes of traffic could be maintained the next morning, which he felt was an incredible job.

Mr. Elliott and Mayor Weisgerber commended Mr. Taphorn on the State Auditor's report on their audit of the City's 2006 and 2007 financial statements. The audit contained only three observations where improved internal controls or operational efficiencies might be achieved, the lowest number since 2002-2003. Mr. Taphorn accepted their thanks on behalf of the staff.

COUNCILMANIC WORKSHEET

Mr. Osborne moved to approve the third quarter financial report (as recommended by the Finance Committee); seconded by Mr. Zuch. ROLL CALL: Schickel, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes. Motion carried.

OLD BUSINESS – ORDINANCES

Mr. Osborne introduced for second reading AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF REAL PROPERTY LOCATED AT 10506 BUTTERWORTH ROAD, LOVELAND, OH ("CHRISTMAN HOUSE") TO THE COMMUNITY IMPROVEMENT CORPORATION OF LOVELAND. ROLL CALL: Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, no; Fitzgerald, yes; Osborne, yes; Schickel, yes. Ordinance was approved and assigned the number 2008-70.

NEW BUSINESS – ORDINANCES AND RESOLUTIONS

Mr. Osborne introduced for first reading AN ORDINANCE AMENDING THE SALARY CEILINGS AND POSITION CLASSIFICATIONS OF NON-UNION CITY EMPLOYEES FOR 2009. Mr. Carroll explained this ordinance authorizes a 3% raise and recommends an additional Maintenance Worker be reclassified to a Maintenance Crew Leader and that the Deputy Public Works Director be reclassified from Class VI to Class VII. He also pointed out all persons in an active employment status as of December 18 will receive a 1% 2008 performance bonus.

Mr. Osborne introduced for first reading ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 183.13 ALLOCATION OF FUNDS, FOR THE PURPOSE OF CONSOLIDATING THE GENERAL FUND, INCOME TAX FUND, AND PARKS AND LEISURE FUND INTO THE GENERAL FUND STARTING FOR THE 2009 FISCAL YEAR. As recommended in Memorandum No. 96, Mayor Weisgerber entertained a motion to suspend Council Rules to read this ordinance once; so moved by Vice Mayor Bednar and seconded by Mr. Fitzgerald. ROLL CALL (ON MOTION): Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes. Motion carried. Vice Mayor Bednar reported the Finance Committee unanimously approved this consolidation. ROLL CALL (ON ORDINANCE): Bednar, yes; Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Zuch, yes. Ordinance was approved and assigned the number 2008-71.

Mr. Osborne introduced RESOLUTION SETTING FORTH SERVICES THAT WILL BE PROVIDED BY THE CITY OF LOVELAND TO THE RESIDENTS OF REAL PROPERTY LOCATED IN SYMMES TOWNSHIP, HAMILTON COUNTY IF SUCH AREA IS ANNEXED TO THE CITY OF LOVELAND, AND STATING AN APPROXIMATE DATE BY WHICH SUCH SERVICES WILL BE AVAILABLE IF ANNEXED. Vice Mayor Bednar pointed out an updated resolution was placed at Council Members seats tonight. Referencing Exhibit A, third paragraph under "Loveland Police Division," Mr. Elliott read the City provides the Loveland City School District with a full-time School Resource Officer (SRO), which he stated is technically true, but questioned if there aren't some financial tradeoffs with the TIF. Mr. Carroll explained potentially there are, as the City has an agreement with the School District related to the Downtown TIF whereby funds are tracked, such as building and zoning fees that the City has forgiven, that will count towards taxes they would receive; thus far, the SRO position has benefited the School District to the tune of \$100,000 as of the prior fiscal year. He expects that amount to grow another \$70,000 - \$80,000 by the end of fiscal year 2008. Mr. Elliott asked if Council has given thought to a SRO for the High School. Mayor Weisgerber pointed out Mr. Elliott is a Council Member and knows that Council has not made that motion or made that commitment. Mr. Elliot moved that Council include having a SRO in the resolution for the High School. Motion died for lack of a second. ROLL CALL (ON RESOLUTION): Elliott, yes; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Zuch, yes; Bednar, yes. Resolution was approved and assigned the number 2008-72.

Mr. Osborne introduced RESOLUTION AS TO INCOMPATIBLE LAND USES AND ZONING BUFFER-PROPERTY PROPOSED TO BE ANNEXED TO THE CITY OF LOVELAND, OHIO, FROM SYMMES TOWNSHIP, HAMILTON COUNTY. The Mayor pointed out an updated copy of this resolution was placed at their seat tonight. ROLL CALL: Fitzgerald, yes; Osborne, yes; Schickel yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes. Resolution was approved and assigned the number 2008-73.

Mr. Osborne introduced RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EQUIPMENT LEASE AGREEMENT WITH COMMERCE BANK TO LEASE/PURCHASE A BANDIT 150XP BRUSH CHIPPER. Mayor Weisgerber noted Public Works' accomplishments have been great. Mr. Carroll complimented Mr. Taphorn for procuring this funding, saving the City almost \$1,000 over the prior financial arrangements. Vice Mayor Bednar commended Mr. Taphorn and Mr. Carroll and pointed out the State also has a term leasing program, but their rate is not quoted until an order has been placed. Mr. Carroll stated they've gone through that process, but Mr. Taphorn found a better rate. ROLL CALL: Osborne, yes; Schickel, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, yes; Fitzgerald, yes. Resolution was approved and assigned the number 2008-74.

Mr. Osborne introduced Resolution entitled RESOLUTION SETTING FORTH THE DOWNTOWN JOB CREATION AND REDEVELOPMENT PROJECT AS THE CITY OF LOVELAND'S PRIORITY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN 2009-2014. Mr. Elliott moved to amend to include the Loveland Initiative to the amount of a total of \$18,000 over three years; seconded by Mr. Fitzgerald. Mr. Elliott pointed out this amount is less than half of what they're receiving now. Mr. Osborne questioned where the \$18,000 would come from and stated that unless they have clearly answered the City's questions regarding their contractual obligation to this funding cycle, he can't support this. Mr. Fitzgerald recommended the City submit two applications: one as articulated in this resolution and adding a second section with a second priority in the amount so stated in Mr. Elliott's motion for the LI. Stating that if Council is going to open this up to LI, Vice Mayor Bednar questioned why they don't set an amount so that all the 501(c)(3)'s or other organizations in the community can participate. Mr. Carroll felt that may be problematic under CDBG guideline rules; the City should apply for a specific agency, as they would not look kindly on awarding a general fund for 501(c)(3)'s to tap into. Mr. Zuch stated, as a resident, if he knew anyone had a contract with the City to obey Sunshine Laws and avoid conflicts of interest and they weren't living up to it, he wouldn't feel that Administration or Council were doing their job. He believes LI is probably a worthy cause and there are some other worthy causes in the City. He'd support another round of funding, but he's not sure why Council would only provide it to LI and feels that should be resolved at a different time than at this reading. Mr. Fitzgerald pointed out LI was the only one that showed up for the duly advertised public hearing that was held to get input from the community. ROLL CALL (ON MOTION TO AMEND): Weisgerber, no; Zuch, no; Bednar, no; Elliott, yes; Fitzgerald, yes; Osborne, no; Schickel, yes. Motion failed. ROLL CALL (ON RESOLUTION): Schickel, yes; Weisgerber, yes; Zuch, yes; Bednar, yes; Elliott, no; Fitzgerald, yes; Osborne, yes. Resolution was approved and assigned the number 2008-75

OTHER NEW BUSINESS

Mayor Weisgerber announced everyone is asked to “set their clocks and check their stocks” on November 2 and explained they’re asked to check their stocks relative to emergency provisions, as recognized during the recent storm when people needed flashlights, batteries, water, etc., and clocks should be moved back one hour since it is the end of daylight savings time. Also, Halloween will be observed in Loveland on Friday, October 31, from 6:00 – 8:00 p.m.

While displaying their picture, Mr. Schickel congratulated Coach Marlatt and the Loveland High School football team, especially the seniors, who finished their season with a 6-4 record.

The Mayor entertained a motion to go into executive session under Ohio Revised Code Section 121.22(G)1, Personnel; Section 121.22(G)(2), Purchase or Sale of Property; and Section 121.22(G)(3), Pending or Imminent Litigation; so moved by Vice Mayor Bednar and seconded by Mr. Osborne. The Mayor announced Council may take action following their executive session. ROLL CALL: Zuch, yes; Bednar, yes; Elliott, no; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes. Motion was approved and Council went into executive session at 10:12 p.m.

The Mayor entertained a motion to reconvene the regular session; so moved by Mr. Elliott and seconded by Mr. Osborne. The motion was approved by unanimous consent and the meeting reconvened at 10:58 p.m.

Vice Mayor Bednar moved to authorize the City Manager to advise the Board of County Commissioners of Hamilton County, Ohio of the City of Loveland’s termination of the agreement between the Board of County Commissioners of Hamilton County, Ohio and the City of Loveland dated January 30, 1985 and to further authorize the City Manager to file a declaratory judgment action and related claims in conjunction with such termination; seconded by Mr. Osborne. Mr. Elliott stated he would prefer to not have an adversarial position with Metropolitan Sewer District and certainly not with the Hamilton County Commissioners. He thinks they should exhaust all avenues of communication before they take any such action. ROLL CALL: Elliott, no; Fitzgerald, yes; Osborne, yes; Schickel, yes; Weisgerber, yes; Zuch, yes; Bednar, yes. Motion carried.

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

Mayor

Clerk of Council