

**LOVELAND CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, October 27, 2009**

**Call to Order &
Pledge of Allegiance**

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

Roll Call

Council Members Present: Vice Mayor David Bednar, Paul Elliott, Mark Fitzgerald, Joseph Schickel, Mayor Robert Weisgerber, and Todd Osborne.

**Motion to Excuse a
Council Member**

Vice Mayor Bednar moved to excuse Councilman Brenton Zuch from the meeting, seconded by Mr. Schickel. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Schickel, Yes; Weisgerber, Yes; Bednar, Yes. The motion unanimously carried.

Mr. Elliott moved to excuse Councilman Joseph Schickel from the meeting at 9:15 p.m., seconded by Mr. Osborne. Roll Call: Fitzgerald, Yes; Osborne, Yes; Schickel, Abstain; Weisgerber, Yes; Bednar, Yes; Elliott, Yes. The motion carried with a vote of 5-0.

**Recognition of Audience
Members**

Also Present: City Manager Thomas Carroll, Assistant City Manager Jeffrey Wright, Solicitor Frank Klaine, Clerk of Council Misty Cheshire; Assistant to the City Manager Amanda Stephany; Finance Director Bill Taphorn, Assistant Finance Director Harry Steger, Captain Huge Bomske, Sergeant Sean Rahe, Police Chief Tim Sabransky, Recreation Board Member Gary Stouder, Finance Committee Member John Rost, Former Clerk of Council and Council candidate Linda Cox.

Open Forum

John Rost, 1718 Bird Dog Court, a member of the Finance Committee, discussed and supported a pay increase for City Council Members. He noted that the last pay adjustment for City Council was made in 1993. The Finance Committee recommended a pay increase for City Council in 2002 but City Council didn't take action at that time. Mr. Rost stated that the proposed pay increase was not self-serving and would not affect the current members of City Council. The new health plan would offset the costs of the proposed rate increase for City Council. Mr. Rost stated that Loveland's fiscal health was strong due to the good fiscal management of City Council and staff. Mr. Rost added that he thought a rate adjustment was justified and hoped the measure was passed by Council.

Approval of Minutes

Vice Mayor Bednar moved to approve the minutes of the October 6, 2009 Special City Council Meeting, seconded by Mr. Osborne. Roll Call: Osborne, Yes; Schickel, Yes; Weisgerber, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes. The motion carried with a vote of 6-0.

Mr. Schickel moved to approve the minutes of the October 13, 2009 City Council Meeting, seconded by Vice Mayor Bednar. Roll Call: Schickel, Yes; Weisgerber, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes. The motion passed.

**City Manager's Reports
& Memorandums**
Memorandum 98
Deviation from Reserve
Policy for Sanitation and
Stormwater Funds for
2010

This report accompanied a resolution on the agenda that, if adopted by City Council, would authorize the City to deviate from a policy that requires monetary reserves in the Stormwater and Sanitation Funds. While these funds will be balanced in 2010, compliance with these reserve requirements would require either an additional rate increase or a service reduction.

Vice Mayor Bednar stated that this was the fourth year in a row the City has taken this action in order to keep rates down. Mr. Carroll agreed. Mr. Carroll stated that this legislation pertains to reserves for stormwater and sanitation only and the City still has over \$1 Million in catastrophic reserve funds in the General Fund.

Memorandum 99
Preliminary Impact of new
Mayor's Court Fine and
Fee Schedule

Mr. Fitzgerald stated that he was not in agreement with the City Manager's recommendation to increase the stormwater utility rate by ~~one quarter of a percent~~ ^a each year in 2011 and 2012. *Corrected 11-10-09.*

This report provided City Council with information on the impact of the new Mayor's Court fee and fine schedule which became effective on May 15, 2009.

Mr. Elliott stated that Mayors Court experienced a positive revenue change of 31% in the month of September. He hoped this trend didn't continue because it would defeat the goal of being revenue neutral.

Vice Mayor Bednar asked staff to discuss the new program being instituted by the State of Ohio which will raise fines. Chief Sabransky noted that the State increased the amount of reparations for each citation from a flat \$15 fee to a sliding scale depending upon the offense. The State will use the additional funds for their indigent defense fund. To comply with the mandate, the typical moving violation in Loveland' Mayor Court would generate an additional \$5 charge per citation.

Mr. Fitzgerald asked if Mayors Court would absorb the additional fee within their fine structure or pass the fee to the consumer. Chief Sabransky stated that court costs are generally passed on to the consumer. Loveland has the option to absorb the cost or make adjustments to the fee structure for Mayors Court. Chief Sabransky noted that this mandate took affect on October 16th and Loveland Mayors Court has been absorbing the additional fee and will continue to do so until Council passes legislation increasing Mayors Court fees.

Mr. Osborne asked when the City would pass the assessment ordinance. Mr. Carroll noted that during the Finance Committee meeting a revenue ordinance was discussed that would adjust fees for all rates and fees, if needed. He anticipated this ordinance would be presented to Council in November. Mr. Carroll plans to bring forward legislation to Council that would adjust Loveland's Mayors Court fees by \$5 to prevent the City of Loveland from subsidizing the State's directive.

Memorandum 100
Recreation User Fees

This memorandum provided background information on a revenue-enhancing concept to charge recreation leagues modest user fees for use of City ball fields, combined with fee rebates to those participants who are City residents. If implemented, this policy option would reduce the rate of recreation subsidies provided by Loveland residents to non-residents and help fund park improvements identified in the Parks and Recreation Master Plan.

Mr. Osborne noted that this memorandum was discussed at the last Recreation Board Meeting. He stated that the Board didn't support this recommendation and has requested more information and wanted to consider other options and revenue streams.

Mayor Weisgerber noted that in the 1990's the City implemented a fee increase to non-resident participants, which was rescinded after reaching an agreement with the surrounding Townships to add fields. He recommended the City look at field usage to understand the how to balance the expenses between residents and non-resident users. Although many leagues donate funds to the City of Loveland for field improvements, these improvements can come at a time when City crews have other projects planned. Prior to Council making a recommendation, Mayor Weisgerber felt it was important to collect more data relating to how the recreation system is functioning.

Vice Mayor Bednar wanted the City to be in proportion with the Townships and determine the number of fields that are being provided by the City in comparison to the fields being provided by the Townships.

Mr. Fitzgerald stated that the organizations using publicly owned and managed fields are given exclusive use of the field and some consideration should be paid for that privilege. Mr. Fitzgerald stated that the City was beginning to move in the right direction by an earlier action taken this year, which enacted reporting and accountability requirement on any organization using City facilities. He wanted to see an approach that provides a stream of revenue that can be applied to the general use of all parks and public grounds. He stated that the City should expect more than just a contribution that benefits the user of the field.

Mr. Elliott said that he felt like the City of Loveland has never had a recreation program. The recreation programs are run by other organizations, the City only provides facilities.

Mr. Osborne stated that the City has partnerships with the sports organizations. At one time the City paid for umpires, equipment, and maintenance. He noted that representatives from the Softball Association were in attendance at the Recreation Board meeting and stated that the majority of the money collected in fees went toward insurance. He stated that he would like to see a detailed breakdown of the registration fees from each organization.

Mr. Schickel noted that when the City surveyed recreation needs several years ago, the stated needs of Loveland residents were tilted toward passive recreation needs as opposed to the active fields. He stated that the idea of charging kids on the same team different rates would be difficult to sell. He wondered if there was a way to reduce the City's expenditures for caring for the active fields, throwing the burden to the people using the fields.

Mr. Elliott noted that Council recently gave the Loveland Stage Company \$25,000 and didn't ask to get anything back from the Stage Company, which he saw as inequitable. He wasn't sure the City should mix recreation league issues with the overall Recreation Master Plan.

Vice Mayor Bednar noted that the Recreation Board would continue to discuss this topic and would bring recommendations and/or ideas to Council in the future. He stated that it will take time to work through these issues.

Mr. Osborne noted that the Recreation Board plans to review the Park Master Plan and make suggestions to Council.

This report provided a summary of all four neighborhood meetings held in 2009 so Council can view the program's follow-up items in their entirety.

Vice Mayor Bednar pointed out that most streets will be swept three times next year. He asked if there was a schedule for the sweepings and suggested the sweeping be scheduled after leave pickup to keep gutters clean going into the Winter and Spring. Mr. Carroll stated that it was staff's intent to have the roadways swept in the Spring after brush pickup, a Summer sweep, and a third sweep in December after the leave and brush pickup.

Mr. Carroll stated that as a result of the Neighborhood meetings, three service enhancements will be funded in the 2010 Budget, as drafted, additional street sweeping, 35 gallon wheeled recycling totes, and a brush drop-off site.

Memorandum 102
Finance Committee
Recommendation on City
Council Pay and Benefits

Mayor Weisgerber complimented staff for conducting the neighborhood meetings and gathering extensive information from the residents of Loveland.

This report conveys the Finance Committee's recommendation that City Council amend the proposal for additional City Council compensation to allow future City Council members to take an additional \$1,500 of pay or benefits starting in 2011. The Finance Committee recommends this because Council has not had a pay adjustment since 1993 and because the City is saving such significant revenue by moving to a high deductible health insurance plan.

Mr. Elliott referenced the six cafeteria options in the memorandum and recommended a seventh option be added, the option for a person to refuse to participate in the program. Mr. Carroll stated that Council Members have that option now.

Mayor Weisgerber noted that Council was provided with a red-lined ordinance as a result of discussions at the Finance Committee meeting. Council would have the opportunity to amend the ordinance to reflect the amendments in the red-line ordinance.

Memorandum 103
Letter of Support Request
for Low Income Senior
Housing

This report explains a request from Warren County Community Services for a letter of support for its application to the U.S. Department of Housing and Urban Development to build and operate a 40-unit low-income senior housing apartment building at 800 West Loveland Avenue, across the street from Village Anniversary Park.

Vice Mayor Bednar wanted to know the zoning for the parcel in question. Mayor Weisgerber stated that the property had a zoning designation of multi-family which allowed up to 23 units on this parcel.

Mr. Elliott asked if the Planning and Zoning Commission could grant a zoning variance for this request. Mayor Weisgerber stated that two options were available for the developer, a Special Planning District (SPD) or the zoning would need to be modified. Mr. Carroll added that the City didn't have a zoning classification that would allow a density of this magnitude.

Mr. Osborne asked if Council had adopted a moratorium on subsidized low income housing. He stated that Loveland currently has three low income complexes and questioned the City's desire to have an additional Section 8 housing complex.

Mr. Fitzgerald suggested a communication be sent to Warren County Community Services (WCCS) describing the planning, zoning, approval, building and development processes of the City. He stated that this may be a noble and beneficial project but Warren County's approach was backwards.

Mayor Weisgerber stated that staff did not recommend Council submit a letter of support. WCCS stated that they would only ask for rezoning if they received the necessary approvals from HUD.

Mr. Carroll stated the any moratorium relating to low income housing would have proceeded his time with the City. He noted that in a Community Block Development Grant application the City must state they are willing to receive additional low income housing units in the community.

Mr. Osborne suggested WCCS seek property in Warren County. Mayor Weisgerber stated that the organization has not limited themselves to their name or County.

Committee Reports
Deed Restriction

Vice Mayor Bednar asked if Council had received similar requests in the past. Mr. Carroll noted that WCCS has been interested in finding a location in Loveland but have been unable to acquire affordable land in the City. He noted that the City did have a need for this type of housing but this site was not appropriate for the request.

Mr. Elliott referenced the Recreation Board minutes from August 24, 2009, which discussed deed restrictions for the Betty Ray property. He asked staff to expound upon the matter. Mr. Osborne stated that there was an issue regarding the prohibition on using the land for recreational uses and there is a question as to the validity of the deed restriction and who authorized the restriction.

Mayor Weisgerber stated that the property in question is actually adjacent to the Betty Ray property and was purchased for well fields. Mr. Carroll noted that our Legal Department has reviewed this matter on at least two occasions. The deed restrictions were imposed by prior owners in the 1960's before the City took ownership of the property. Mr. Carroll stated that the property was not available for recreation uses.

Connector Trail

Mr. Elliott referenced the September 17th minutes of the Tree and Environment Committee which discussed a plan to enhance the connector trail and asked staff to explain that plan. Mr. Carroll stated that he was not in a position to respond to Mr. Elliott's question but would gladly report back to Council at a later time. Mayor Weisgerber noted that Mr. Zuch sits on this Committee but was absent from the meeting.

Communications
Dispatch Fees

Mr. Fitzgerald referenced a letter from Hamilton County Administrator Patrick Thompson discussing changes in the Hamilton County Communication Center dispatch fee and asked if the City could identify the number of calls that have been diverted from the Hamilton County Communication Center to the Northeast Communication Center. Mr. Carroll stated that he would research this question and report back to Council.

Review of Councilmanic Worksheet

Vice Mayor Bednar moved to accept the Third Quarter Financial Report as submitted by the Finance Committee, seconded by Mr. Osborne. Roll Call: Weisgerber, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Schickel, Yes. The motion carried with a vote of 6-0.

Mr. Fitzgerald requested that an item be added to the Councilmanic Worksheet, ~~Lebanon Road Pedestrian Safety~~. Council concurred. This report will be given to City Council on January 26, 2010. *Crosswalk at Preakness/Arcaro*

Mr. Schickel left the meeting at 9:18 p.m. *Corrected 11-10-09*

Old Business
Ordinance 2009-63
City Council Pay &
Benefits

Mr. Osborne introduced for second reading an ordinance changing the options of benefits for City Council members.

Mr. Osborne moved to amend the title and text of the ordinance to match the red-lined version provided to City Council, seconded by Vice Mayor Bednar.

Mr. Elliott stated that the Finance Committee recommended a \$1,500 increase in benefits to City Council. He noted that two Council Members recused themselves from the vote because they would derive direct benefit from the proposed change. Mr. Elliott stated that three sitting Council members were running for re-election unopposed and would ultimately be voting to give themselves a raise, which he felt was inappropriate. Mr. Elliott opposed any pay increase for City Council.

Mr. Osborne stated it was unethical and against the law for Council to give themselves a raise. He stated that regardless of the election, the vote on this legislation is occurring in this legislative cycle and no one on this body would be voting for a raise for themselves. Mr. Osborne stated that one Council Member was absent from the Finance Committee meeting and because that meeting was so important he didn't believe that fishing was an acceptable excuse for missing the meeting.

Mr. Klaine stated that this ordinance, if adopted, would not take effect until December 2011 and it was impossible to know who the Council Members will be at that time. Any salary increase for Council must be handled in this manner to comply with the City Charter.

Mr. Elliott stated that certain Council Members would be voting themselves a raise because they are going to be re-elected to City Council. Mayor Weisgerber asked if Mr. Elliott's opinion would be different if five people were running for the four open seats.

A roll call vote was then taken on the proposed amendment: Bednar, Yes; Elliott, No; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes. The motion carried with a vote of 4-1.

Mr. Elliott moved to amend the amended ordinance to change the effective date to December 2013 through December 2017, seconded by Mr. Fitzgerald.

Mayor Weisgerber stated that he disagreed with Mr. Elliott's logic. Mr. Elliott stated that it was a known fact that on November 4th Mr. Weisgerber, Mr. Bednar, Mr. Zuch and Mrs. Cox would be elected to City Council and sworn-in in December. Mayor Weisgerber replied that no one would be elected to City Council without certification from the Board of Elections.

Mr. Elliott asked Mr. Bednar why he recused himself from the vote at the Finance Committee meeting. Vice Mayor Bednar replied that he didn't think it was appropriate to vote on a recommendation to City Council.

A roll call vote was taken on the proposed amendment: Elliott, Yes; Fitzgerald, Yes; Osborne, No; Weisgerber, No; Bednar, No. The motion failed 2-3.

A roll call vote was taken on the amended ordinance: Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Bednar, Yes; Elliott, No. The motion passed 4-1 adopting Ordinance 2009-63.

New Business

Resolution 2009-64
Deviation from the Target
Fund Reserve

Mr. Osborne introduced a resolution recognizing and authorizing a deviation from the target fund reserve as established by Resolution 2004-53 for the Sanitation and Environment Fund and the Stormwater Fund for the City of Loveland's 2010 Budget and Capital Improvement Program. There was no further discussion. Roll Call: Osborne, Yes; Weisgerber, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes. The motion unanimously carried adopting Resolution 2009-64.

Resolution 2009-65
Deviation from the
Employee Leave Reserve
Policy

Mr. Osborne introduced a resolution recognizing and authorizing a deviation from the employee leave reserve policy as established by Resolution 2005-10 for the City of Loveland's 2010 Budget and Capital Improvement Program.

Mayor Weisgerber noted that the Finance Committee will be looking for a way to better forecast these needs in the future. He stated that this was great policy, put into effect by Mr. Taphorn, and has protected the City's budget but if the policy is followed as implemented today the City could find this fund overfunded.

A roll call vote was taken: Weisgerber, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes. The motion carried adopting Resolution 2009-65.

**Resolution 2009-66
Annual Tax Millage
Approval** 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. There was no further discussion. Roll Call: Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes. The motion carried with a vote of 5-0 adopting Resolution 2009-66.

Daylight Savings Time Mayor Weisgerber reminded everyone to set their clocks back one hour on Sunday, November 1st at 2 a.m. as well as change the batteries in their smoke detectors.

Business Expo Vice Mayor Bednar asked staff to highlight the upcoming Business Expo. Mr. Wright announced that the Business Expo will be held on Wednesday, October 28th at Receptions in Loveland. A luncheon is scheduled from 11:30 a.m. – 1 p.m., followed by the Business Expo from 1 – 6 p.m. He added that from 4 – 6 p.m. thirteen local restaurants will host a free Taste of Loveland. Mr. Wright invited the public to attend.

Trick-or-Treat Mayor Weisgerber announced that Loveland's trick-or-treat will be held on Saturday, October 31st from 6 – 8 p.m.

Executive Session Mr. Osborne moved to adjourn to Executive Session under Ohio Revised Code Section 121.22 (G)(1) to discuss personnel seconded by Mr. Fitzgerald. Roll Call: Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Bednar, Yes. The motion unanimously carried, Council adjourned to Executive Session at 9:37 p.m.

Reconvene At 10:50 p.m., Mr. Elliott moved to reconvene in regular session, seconded by Mr. Osborne. The motion carried by unanimous consent.

Adjournment There being no further business. Vice Mayor Bednar moved to adjourn the meeting, seconded by Mr. Elliott. The motion carried by unanimous consent. Mayor Weisgerber declared the meeting adjourned at 10:51 p.m.


Robert Weisgerber, Mayor


Misty Cheshire, Clerk of Council

