

**LOVELAND CITY COUNCIL
REGULAR MEETING MINUTES
Tuesday, November 10, 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, Mayor Robert Weisgerber, Todd Osborne and Brenton Zuch.

**Motion to Excuse a
Council Member**

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

**Recognition of Audience
Members**

Also Present: City Manager Thomas Carroll, Assistant City Manager Jeffrey Wright, Solicitor Frank Klaine, Clerk of Council Misty Cheshire, Finance Director Bill Taphorn, Assistant Finance Director Harry Steger, Police Chief Tim Sabransky, Recreation Board Member Gary Stouder, Council Member Elect Linda Cox, Craig Hurwitz from Portus Advisors, Andrew Laskey from RBC Capital Markets, and Police Specialist Ray Shockey.

**Open Forum
Memorial Service**

Gary Stouder, Sunrise Drive, extended his appreciation to the Mayor, Council, Loveland City Staff, Terry Schildmeyer, and the Loveland American Legion Post 256 and Auxiliary, who helped to coordinate the memorial ceremony for Captain David "Seth" Mitchell that was held on November 5, 2009. Mayor Weisgerber stated that he appreciated all Mr. Stouder and the members of the American Legion did to help pull the event together in short notice. Mr. Zuch stated that the ceremony was impressive and he was pleased to see so many community members in attendance to honor Captain Mitchell.

Approval of Minutes

Vice Mayor Bednar noted a correction on page 2, paragraph 1, of the October 27, 2009 minutes as follows: "Mr. Fitzgerald stated that he was not in agreement with the City Manager's recommendation to increase the stormwater utility rate by one a quarter of a percent each year in 2011 and 2012."

Mr. Fitzgerald noted another correction on page 5, paragraph 7, to read "Mr. Fitzgerald requested that an item be added to the Councilmanic Worksheet, Crosswalk at Lebanon/Preakness/Arcaro ~~Lebanon Road Pedestrian Safety.~~"

Mr. Elliott noted that on page 6 of the minutes, Mr. Osborne stated that one Council Member was absent form 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. He asked Mr. Osborne if the comment was directed to him. Mr. Osborne confirmed that he was referring to Mr. Elliott. Mr. Elliott stated that he would like to discuss this further under the Old Business section of the agenda.

A roll call vote was taken on the amended minutes of the October 27, 2009, City Council Meeting: Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes. The motion carried 6-0.

Communications

Committee and was perplexed as to why the Committee hadn't discussed the bond underwriter fees and the issuance of new debt. Mr. Fitzgerald suggested there be a better connection between Council, the Management Team, and the Finance Committee.

There were no comments pertaining to the communication provided to City Council.

Review of Councilmanic Worksheet

Two items were removed from the Councilmanic Worksheet: hillside drainage/debris on the bike trail and the Commerce Center water tower. Other updates will occur as follows:

12/15/09 - Income Tax Contractual Services (RITA)

01/25/10 - Flower Show Summit.

04/13/10 - City Department Automatization/Digitization

08/24/10 - Stormwater study on Fox Meadow Farms and Loveland Heights

Old Business**Council Pay and Benefits**

Mr. Elliott asked to revisit Ordinance 2009-63, Council Pay and Benefits, adopted by Council at the October 27th meeting. He asked if Council knew when the Board of Elections would certify the election results and questioned if this passage of Ordinance 2009-63 was handled correctly. He noted that Mrs. Cox had been included in an Executive Session prior to the election. He then moved to get a second opinion to determine if City Council handled the pay and benefits adjustment process correctly. The motion died for lack of a second. Mayor Weisgerber noted that Council has the authority to invite individuals into Executive Sessions and Mrs. Cox was invited into the Executive Sessions to bring her up to speed on certain issues.

October 27, 2009 City Council Meeting Minutes

Mr. Elliott then referenced the comments Mr. Osborne made at the last meeting regarding his attendance at the October 22nd Finance Committee Meeting. Mr. Elliott noted that he was not fishing he had a contractual obligation to officiate a football game. He added that he contacted Chairman Bednar and Mrs. Cheshire to advise them that he was unable to attend the meeting.

Mr. Elliott questioned if Mr. Osborne was impugning his character. Mayor Weisgerber stated that he didn't interrupt the comments made by Mr. Osborne at the last meeting because he didn't have any other information and Mr. Osborne is entitled to his opinion as to whether or not he thinks it is appropriate for someone to miss a meeting. Mayor Weisgerber said that he didn't see Mr. Osborne's comments as impugning Mr. Elliott's reputation. Mr. Fitzgerald asked if Council could move to strike from the minutes the sentence which suggests Mr. Elliott was fishing. Mr. Klaine replied that Mr. Osborne could retract the statement or Council could move to strike it from the record.

Mr. Osborne moved to strike his statement from the record, seconded by Vice Mayor Bednar.

Mr. Osborne stated that his comments were generic and didn't mention Mr. Elliott by name. He thought it was ridiculous that Council was discussing this matter. Mr. Elliott stated that he was sure Mr. Osborne's comments were directed to him and earlier in the meeting Mr. Osborne refused to divulge where he received his information.

A roll call vote was taken on Mr. Osborne's motion to strike his statement from the record. Roll Call: Zuch, Yes; Bednar, Yes; Elliott, No; Fitzgerald, No; Osborne, Yes; Weisgerber, No. The motion failed 3-3.

New Business

Resolution 2009-67
Veterans Day

Mr. Osborne introduced a resolution commemorating Veterans Day in the City of Loveland, Ohio. There was no further discussion. Roll Call: Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. The motion carried adopting Resolution 2009-67.

Resolution 2009-68
RBC Underwriting
Contract

Mr. Osborne introduced a resolution authorizing the City Manager to enter into a professional services contract with RBC for bond underwriting services. There was no further discussion. Roll Call: Elliott, Yes; Fitzgerald, No; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes. The motion passed 5-1 adopting Resolution 2009-68.

Ordinance 2009-69
Surplus Property
(Emergency)

Mr. Osborne introduced an ordinance authorizing the sale of personal property of the City of Loveland not needed for municipal purposes.

Mr. Carroll noted that Chief Sabransky had requested this item be passed with one reading because the City had a buyer for one of the squad cars.

Mr. Fitzgerald moved to suspend Council Rules eliminating the second reading for this ordinance, seconded by Mr. Osborne. Roll Call: Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes. The motion carried with a vote of 6-0.

Mr. Fitzgerald asked if the 30 day waiting period would cause a problem for the transaction. Chief Sabransky stated that the Village of Felicity was prepared to buy the 2006 vehicle for \$5,000. He stated that it would be a benefit for Felicity to get the car sooner and the City of Loveland would not have to store the vehicle and maintain insurance.

Mr. Fitzgerald moved to add the emergency clause to the legislation, seconded by Mr. Osborne. Roll Call: Osborne, Yes; Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes. The motion carried.

Mr. Osborne read the title including the emergency language: an ordinance authorizing the sale of personal property of the City of Loveland not needed for municipal purposes and declaring an emergency. There was no further discussion. Roll Call: Weisgerber, Yes; Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes. The motion carried adopting Ordinance 2009-69.

December 7th Meeting
Time

Vice Mayor Bednar stated that there was confusion as to the time of the December 7th Organizational Meeting. Mayor Weisgerber recommended the meeting be held 8 p.m.

Vice Mayor Bednar moved to hold the December 7, 2009, Organization Meeting at 8 p.m., seconded by Mr. Elliott. Roll Call: Zuch, Yes; Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes. The motion carried 6-0.

Executive Session

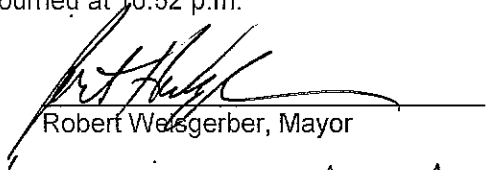
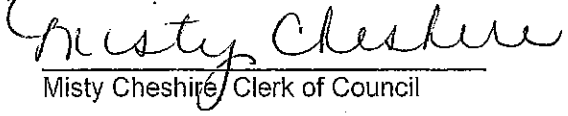
Mr. Fitzgerald moved to adjourn to Executive Session under Ohio Revised Code Section 121.22 (G)(1) to discuss personnel and 121.22 (G)(2) to discuss the purchase of property, seconded by Mr. Osborne. Roll Call: Bednar, Yes; Elliott, Yes; Fitzgerald, Yes; Osborne, Yes; Weisgerber, Yes; Zuch, Yes. The motion unanimously carried, Council adjourned to Executive Session at 9:47 p.m.

Reconvene

At 10:51 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. Mr. Osborne moved to adjourn the meeting, seconded by Mr. Fitzgerald. The motion carried by unanimous consent. Mayor Weisgerber declared the meeting adjourned at 10:52 p.m.


Robert Weisgerber, Mayor
Misty Cheshire, Clerk of Council