

COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

STATE OF OHIO ex rel. PATRICIA : CASE NO.:
HORTON-SANDMAYR :
102 Karl Brown Way, Apt. 2 : JUDGE:
Loveland, Ohio 45140 :
:
Relator, : COMPLAINT
:
v. :
:
MARK FITZGERALD, Mayor of the City of :
Loveland, Ohio :
131 Hawks Ridge Circle :
Loveland, OH 45140, :
and :
ANGELA SETTELL, Vice Mayor of the City :
of Loveland, Ohio :
154 Lexington Drive :
Loveland, OH 45140, :
and :
KATHLEEN H. BAILEY, Member of City :
Council of the City of Loveland, Ohio :
10045 Fox Chase Drive :
Loveland, OH 45140, :
and :
PAMELA J. GROSS, Member of City :
Council of the City of Loveland, Ohio :
And Member of the Community :
Improvement Corporation of Loveland, Inc. :
343 Huntington Drive :
Loveland, OH 45140, :
and :
ARTHUR EDMUND PHELPS, JR., Member :
of City Council of the City of Loveland, Ohio :
137 Pheasantlake Drive :
Loveland, OH 45140, :

and :

ROBERT WEISGERBER, Member of City :
Council of the City of Loveland, Ohio :
240 E Loveland Avenue :
Loveland, OH 45140, :

and :

STEPHEN ZAMAGIAS, Member of City :
Council of the City of Loveland, Ohio :
212 Thomas Paxton Court :
Loveland, OH 45140, :

and :

KELLY FLANIGAN, Member of City :
Council of the City of Loveland, Ohio :
120 West Loveland Avenue :
Loveland, Ohio 45140 :

and :

CORY O'DONNELL, Member of the Board :
of the Community Investment Corporation of :
Loveland, Inc. :
336 Turtle Creek Drive :
Loveland, Ohio 45140 :

and :

JAY STEWART, Member of the Board of :
the Community Investment Corporation of :
Loveland, Inc. :
143 Ramsey Court :
Loveland, Ohio 45140 :

and :

KARL WEIDNER, Member of the Board of :
the Community Investment Corporation of :
Loveland, Inc. :
8861 Montgomery Road, Unt 11 :
Cincinnati, Ohio 45236 :

and

CITY OF LOVELAND, OHIO
120 West Loveland Avenue
Loveland, Ohio 45140

:

:

:

and

COMMUNITY IMPROVEMENT
CORPORATION OF LOVELAND, INC.
c/o QI Services, Inc. Statutory Agent
The Federal Reserve Building
150 East Fourth Street, 4th Floor
Cincinnati, Ohio 45202

:

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Respondents.

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*A popular Government, without popular information, or the means of acquiring it,
is but a Prologue to a Farce or a Tragedy * * *.*

State ex rel. Plain Dealer Pub. Co. v. Barnes, 38 Ohio St.3d 165, 169, 527 N.E.2d 807 (1988),
quoting 9 Writings of James Madison (Hunt Ed. 1910) 103. Douglas concurring opinion.

COMES NOW the State of Ohio, on relation to **PATRICIA HORTON-SANDMAYR**
("Relator"), and, for its Complaint, alleges as follows:

1. Relator is a resident and taxpayer of Loveland Ohio, which is located in Hamilton,
Clermont and Warren Counties, Ohio. Specifically, Relator is a resident of Clermont County,
Ohio.

2. Respondent **MARK FITZGERALD** is a resident of Warren County, Ohio, and is
one of the seven members of the City Council of the City of Loveland, Ohio, currently serving as
the Mayor of the City of Loveland, Ohio.

3. Respondent **ANGELA SETTELL** is a resident of Hamilton County, Ohio, and is one of the seven members of the City Council of the City of Loveland, Ohio, currently serving as the Vice-Mayor of the City of Loveland, Ohio.

4. Respondent **KATHLEEN H. BAILEY** is a resident of Hamilton County, Ohio, and is one of the seven members of the City Council of the City of Loveland, Ohio.

5. Respondent **PAMELA J. GROSS** is a resident of Clermont County, Ohio, and is one of the seven members of the City Council of the City of Loveland, Ohio.

6. Respondent **ARTHUR EDMUND PHELPS, JR** is a resident of Hamilton County, Ohio, and is one of the seven members of the City Council of the City of Loveland, Ohio.

7. Respondent **ROBERT WEISGERBER** is a resident of Clermont County, Ohio, and is one of the seven members of the City Council of the City of Loveland, Ohio.

8. Respondent **STEPHEN ZAMAGIAS** is a resident of Clermont County, Ohio, and is one of the seven members of the City Council of the City of Loveland, Ohio.

9. Respondent **MARK FITZGERALD**, Respondent **ANGELA SETTELL**, Respondent **KATHLEEN H. BAILEY**, Respondent **PAMELA J. GROSS**, Respondent **ARTHUR EDMUND PHELPS, JR**, Respondent **ROBERT WEISGERBER**, and Respondent **STEPHEN ZAMAGIAS** are referred to herein collectively as “**COUNCILMEMBER RESPONDENTS**”.

10. Respondent **CITY OF LOVELAND, OHIO**, is a municipal corporation located in Hamilton, Clermont, and Warren Counties, Ohio, and is organized and existing pursuant to Chapter 7 of the Ohio Revised Code. Pursuant to Section 715.01 of the Ohio Revised Code the **CITY OF LOVELAND, OHIO**, is a body politic and corporate organized under the laws of the State of Ohio, and is capable of being sued.

11. Respondent **PAM GROSS** is a resident of Clermont County, Ohio, and is one of the five members of Respondent **Community Improvement Corporation of Loveland, Inc.** However, on information and belief, Ms. Gross was not present at the meeting of the board of the Community Improvement Corporation of Loveland, Inc. discussed below.

12. On information and belief, Respondent **KELLY FLANIGAN** is a resident of either Clermont, Hamilton, or Warren County, Ohio and is one of the five members of **Respondent Community Improvement Corporation of Loveland, Inc.**

13. Respondent **CORY O'DONNELL** is a resident of Clermont County, Ohio and is one of the five members of Respondent **Community Improvement Corporation of Loveland, Inc.**

14. Respondent **JAY STEWART** is a resident of Clermont County, Ohio and is one of the five members of Respondent **Community Improvement Corporation of Loveland, Inc.**

15. Respondent **KARL WEIDNER** is a resident of Hamilton County, Ohio and is one of the five members of Respondent **Community Improvement Corporation of Loveland, Inc.**

16. Respondent **COMMUNITY IMPROVEMENT CORPORATION OF LOVELAND, INC.**, is an Ohio non-profit corporation and an agency of Respondent **CITY OF LOVELAND, OHIO.**

17. As an agency of Respondent **CITY OF LOVELAND, OHIO**, Respondent **COMMUNITY IMPROVEMENT CORPORATION OF LOVELAND, INC.**, is subject to the requirements of Ohio's Open Meetings Act, R.C. 121.22.

18. R.C. 121.22(C) unequivocally declares "[a]ll meetings of any public body are declared to be public meetings open to the public at all times."

19. R.C. 121.22(G) sets forth those limited circumstances under which a public body (or agency thereof) may exclude the public from its deliberations, e.g. convene an executive session.

20. All of the conduct complained of herein occurred in Clermont County, Ohio.

FIRST CAUSE OF ACTION
Open Meetings Violations
CITY OF LOVELAND, OHIO and COUNCILMEMBER RESPONDENTS

21. Relator restates and incorporates by reference the foregoing paragraphs as if fully restated here.

22. The **COUNCILMEMBER RESPONDENTS** held and conducted a meeting of the City Council of the City of Loveland, Ohio, on September 13, 2016, which convened at 7:00 p.m. and terminated at 8:26 p.m.

23. All of the **COUNCILMEMBER RESPONDENTS** were present throughout the entirety of the September 13, 2016 meeting of the City Council of the City of Loveland, Ohio, held on September 13, 2016, participating in the discussions or deliberations throughout said meeting, including the executive session held during and as part of the meeting.

24. Attached hereto as **Exhibit A** is a true and accurate copy of the official minutes for the meeting of the City Council of the City of Loveland, Ohio, held on September 13, 2016.

25. As indicated on page 5 of the minutes of the meeting of the Loveland City Council held on September 13, 2016, i.e. **Exhibit A**, a quorum of the members of the City Council of the City of Loveland, Ohio, convened an executive session during the course of the meeting held on September 13, 2016.

26. As indicated on page 5 of the minutes of the meeting of the Loveland City Council held on September 13, 2016, i.e. **Exhibit A**, the motion and vote to adjourn into executive session was as follows:

Vice Mayor Settell moved to adjourn to executive session under Ohio Revised Code Section 121.22 (G)(2) for the purchase or sale of property and 121.22 (G)(8) to discuss an economic development matter, seconded by Ms. Gross.

Roll Call - Yes: Bailey, Fitzgerald, Gross, Phelps, Settell, Weisgerber, Zamagias.
No: (None). The motion passed with a vote of 7-0. Council adjourned to executive session at 7:28 p.m.

27. R.C. 121.22(G)(8) sets forth specific requirements that must be met before a public body can enter into executive session under the auspices of “economic development.” Specifically, R.C. 121.22(G)(8) provides that a public body may enter into executive session:

To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(b) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

28. Further, after a reasonable opportunity for further investigation or discovery, evidentiary support will likely indicate that, with respect to the discussions or deliberations relating to “economic development” held during the September 13, 2016 executive session, such discussions or deliberations were not limited to the consideration of “confidential information

related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance.”

29. Further, after a reasonable opportunity for further investigation or discovery, evidentiary support will likely indicate that, with respect to the discussions or deliberations relating to “economic development” held during the September 13, 2016 executive session, such discussions or deliberations were not limited to the consideration of information “directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. Or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709. 81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.”

30. Further, after a reasonable opportunity for further investigation or discovery, evidentiary support will likely indicate that, with respect to the discussions or deliberations relating to “economic development” held during the September 13, 2016 executive session, Further, by simply declaring the purpose of the executive session to be “to discuss an economic development matter” the **COUNCILMEMBER RESPONDENTS**, in their capacity as members of the Loveland City Council, have violated the requirement of the Open Meetings Act that “[a] unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.”

31. Further, after a reasonable opportunity for further investigation or discovery, evidentiary support will likely indicate that the discussions or deliberations held during the September 13, 2016 executive session was not limited to information permitted to be discussed in executive session pursuant to R.C. 11.22(G)(2) and (8).

32. As set forth above, the **COUNCILMEMBER RESPONDENTS**, in their capacity as members of the Loveland City Council, have held portions of meetings of the Loveland City Council purported under the rubric of R.C. 121.22(G)(8), but have failed, in the motion and vote to hold such executive sessions, to determine, “by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.”

33. Such a failures constitute violations and/or threatened violations of the Open Meetings Act.

34. In light of such violations and/or threatened violation of the Open Meetings Act, Relator is entitled to the issuance of injunctive relief so as to preclude and prohibit Respondents from further violating or threatening to violate the Open Meetings Act, together with an award of a civil forfeiture and attorney fees.

SECOND CAUSE OF ACTION
Open Meetings Violations

35. Relator restates and incorporates by reference the foregoing paragraphs as if fully restated here.

36. Respondents **KELLY FLANIGAN, CORY O’DONNELL, JAY STEWART,** and **KARL WEIDNER** held and conducted a meeting of Respondent **COMMUNITY IMPROVEMENT CORPORATION OF LOVELAND, INC.**, on March 20, 2017, which convened at 3:09 p.m. and terminated at 4:21 p.m.

37. Respondents **KELLY FLANIGAN, CORY O'DONNELL, JAY STEWART,** and **KARL WEIDNER** were all present throughout the entirety of the March 20, 2017 meeting of Respondent **COMMUNITY IMPROVEMENT CORPORATION OF LOVELAND, INC.,** participating in the discussions or deliberations throughout said meeting, including the executive session held during and as part of the meeting.

38. Attached hereto as **Exhibit B** is a true and accurate copy of the official minutes for the meeting of the Community Improvement Corporation of Loveland, Inc., held on March 20, 2017.

39. As indicated on page 1 of the minutes of the meeting of the Community Improvement Corporation of Loveland, Inc., held on March 20, 2017, i.e. **Exhibit B**, a quorum of the members of the Community Improvement Corporation of Loveland, Inc., convened an executive session during the course of the meeting held on March 20, 2017.

40. According to the official minutes for the meeting of the Community Improvement Corporation of Loveland, Inc., held on March 20, 2017, i.e. **Exhibit B**, the motion to convene an executive session during the course of the meeting held on March 20, 2017, failed to state the specific authorized purpose for which the executive session was being held. Stated otherwise, the motion to convene an executive session during the course of the meeting held on March 20, 2017, failed to identify which one or more of the approved matters listed in Section 11.22(G) of the Ohio Revised Code were to be considered at the executive session.

41. R.C. 121.22 specifically mandates that, if a public body convenes an executive session during the course of a meeting, "the motion and vote to hold that executive session shall state which one or more of the approved matters listed in [division (G) of Section 121.22] are to be considered at the executive session."

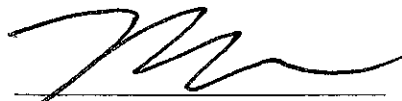
42. In failing to include in the motion the specific authorized purpose for which the executive session was being held on March 20, 2017, Respondents **KELLY FLANIGAN, CORY O'DONNELL, JAY STEWART,** and **KARL WEIDNER** violated the requirements and mandates of the Open Meetings Act.

43. Pursuant to the Open Meetings Act (R.C. 121.22), Relator is entitled to the issuance of injunctive relief so as to preclude and prohibit Respondents from further violating the Open Meetings Act, together with an award of a civil forfeiture and attorney fees.

WHEREFORE, Relator, on behalf of and on relation to the State of Ohio, hereby prays and request that the Court:

- a. Issue judgment in her favor and against the Respondents;
- b. Issue a declaratory judgment that all individual Respondents, individually and collectively violated the Open Meetings Act by engaging in the foregoing conduct;
- c. Issue an injunction restraining Respondents from committing further violations of the Open Meetings Act;
- d. Pursuant to the Open Meetings Act, award Relator a civil forfeiture of five hundred dollars for each distinct violation of the Act, as well as an award of all court costs and reasonable attorney fees;
- e. Grant Relator such other relief to which she may be entitled in law or in equity.

Respectfully Submitted,



Matt Miller-Novak (0091402)
Attorney for Plaintiff
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City Council Meeting Minutes
Tuesday, September 13, 2016

Call to Order & Pledge of Allegiance

Mayor Fitzgerald called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited by all.

Roll Call

Council Members Present: Mayor Mark Fitzgerald, Pamela Gross, Kathy Bailey, Ted Phelps, Vice Mayor Angela Settell, Robert Weisgerber, Steve Zamagias

Recognition of Staff and Members of the Audience

City Solicitor Joseph Braun, City Manager David Kennedy, Clerk of Council Misty Cheshire, Police Chief Dennis Sean Rahe, Finance Director Kelly Beach

Persons Appearing Before Council

Mayor Fitzgerald recognized Franklin A. Klaine, Jr. for his service as Loveland's City Solicitor for the past 15 years. Mr. Klaine noted that in the past 15 years, he has attended over 300 City Council meetings. He described Council meetings as adventuresome. He didn't always know what was going to happen and had to think and act on the fly. He stated that in the past, representing municipalities was thought of as a sleepy form of practicing the law. Mr. Klaine noted that having represented both public corporations and private corporations, representing the public corporations was far more complicated. Records are public, and politics can put a different cast upon what is done. Mr. Klaine said that he appreciated the opportunity to serve the City of Loveland for 15 years and was delighted that Joseph Braun from the same firm would be continuing to represent the City.

Open Forum

No one signed up to speak during open forum.

Review and Approval of Minutes

Vice Mayor Settell moved to approve the minutes of the August 23, 2016, City Council Meeting, seconded by Ms. Gross.

Roll Call - Yes: Bailey, Fitzgerald, Gross, Phelps, Settell, Zamagias. No: (None). The motion passed with a vote of 6-0. Mr. Weisgerber abstained from the vote.



Resolutions and Second Reading of Ordinances

Memorandum 72, Annual Lighting District Assessment White Pillars Phase III, will allow the City to recoup the costs of expenditures related to the public improvement of the lighting district. There was no further discussion.

Ms. Cheshire introduced, for second reading, an ordinance assessing lighting infrastructure, maintenance and operating costs associated with the White Pillars Phase III subdivision located in Clermont County, Ohio. There was no further discussion.

Roll Call - Yes: Bailey, Fitzgerald, Gross, Phelps, Settell, Weisgerber, Zamagias. No: (None). Ordinance 2016-69 was adopted by a vote of 7-0.

Memorandum 73, Ohio Public Works (OPWC) State Capital Improvement Program (SCIP) Grant, requested approval to submit three grant applications. The applications would include the following projects: Loveland Madeira Road Storm Sewer, Main and Chestnut Water Line Replacement, and Broadway Street Stabilization.

Mr. Kennedy noted that if a project is not funded, the City will likely get the option to fund the entire project with a zero percent loan.

Ms. Cheshire introduced a resolution authorizing the submittal of Ohio Public Works Commission, State Capital Improvement Program Grant applications. There was no further discussion.

Roll Call - Yes: Bailey, Fitzgerald, Gross, Phelps, Settell, Weisgerber, Zamagias. No: (None). Resolution 2016-70 was adopted by a vote of 7-0.

Memorandum 74, ODOT Bridge Inspection Program, requested authorization to renew the City's agreement with the Ohio Department of Transportation (ODOT) to conduct annual bridge inspections. There was no further discussion.

Ms. Cheshire introduced a resolution authorizing the City Manager to enter into the Ohio Department of Transportation 2016 Bridge Inspection Program. There was no further discussion.

Roll Call - Yes: Bailey, Fitzgerald, Gross, Phelps, Settell, Weisgerber, Zamagias. No: (None). Resolution 2016-71 was adopted by a vote of 7-0.

Memorandum 75, East Loveland Parking Lot Expansion and Resurfacing Project, recommended bid for the East Loveland Parking Lot Expansion and Resurfacing Project be awarded to Westside Paving and Excavating.

Mr. Weisgerber stated that there were no changes to the plan. This resolution relates to the funding to execute a pre-existing approved plan. Mr. Kennedy concurred. Mr. Kennedy added that the segment of unused railroad tracks on W. Loveland Avenue will be removed by the contractor.

Mr. Phelps asked if the resurfacing included the removal of old asphalt. Mr. Kennedy said they would complete a grind, but he wasn't sure if they would remove all of the asphalt or just portions

of it. The new asphalt was designed to support the weight of large fire trucks. There will also be an addition to add more parking spaces.

Ms. Cheshire introduced a resolution authorizing the City Manager to enter into a contract with Westside Paving and Excavating for the City of Loveland East Loveland Parking Lot Expansion and Resurfacing Project. There was no further discussion.

Roll Call - Yes: Bailey, Fitzgerald, Gross, Phelps, Settell, Weisgerber, Zamagias. No: (None). Resolution 2016-72 was adopted by a vote of 7-0.

Ms. Cheshire introduced a resolution naming the City parking lot on Broadway Street Linda J. Cox Trailside Parking.

Mr. Weisgerber said that while it is important to look forward it is also important not to forget the past. Mr. Weisgerber said that he would not support the resolution because he had a rule that no one should be recognized and have things named after them while they are still living, and he thought it was important to remember Loveland's history. He said that when he travels, he sees places recognizing the past in current or new structures. Mr. Weisgerber said that the McCoy family had a meat market and pony keg, and have been a long standing fixture in the community. He agreed with the letter that was sent to Council from Carolyn Lucke in regards to the signage, naming, and recognizing and remembering our past.

Mr. Zamagias asked if any other letters or comments were received. He also asked if there were other long standing families in the community that needed to be acknowledged as Council moves forward.

Mayor Fitzgerald said Loveland has a long history of recognizing people who have made accomplishments through public service, education, social service, sports, and commerce. He noted that McCoy Park was named in honor of the late Coach McCoy, and it was named after him while he was still living. Mayor Fitzgerald said that it would be grand if people sitting at the dais earned such recognition, but history will judge that outcome.

Ms. Bailey said that Mr. Weisgerber made a good point. Although Linda has done wonderful things for the City, it is a good policy to not name anything after someone who is still living. Ms. Bailey said that until she saw the letter, she did not know the history of the lot.

Roll Call - Yes: Fitzgerald, Gross, Phelps, Settell, Zamagias. No: Bailey, Weisgerber. Resolution 2017-73 was adopted by a vote of 5-2.

City Manager Reports (non-legislative)

Memorandum 76, First and Union Streets, proposed that First Street and Union Street be converted to one-way streets. There was no further discussion.

Committee Reports and Communications

City Council was provided with copies of the following reports:

- Board of Zoning Appeals Minutes, July 27, 2016
- Building and Zoning Monthly Report, August 2016
- Mayor's Court Report, August 2016.

There was no further discussion.

Review of Councilmanic Worksheet

Memorandum 77, Councilmanic Worksheet, provided a quarterly update on the redevelopment/disposition of City and CIC owned property. Mr. Kennedy reported that the City's Economic Development Consultant, Rob Stansel, has been assisting with potential leads and keeps Bunnell Hill updated with other projects within the City that may impact the re-development of the old bowling alley site. The agreement between the City and Bunnell Hill includes a market period ending February 28, 2017, with a closing to be conducted within the following thirty days. Mr. Kennedy added that the deed for the sale of Anshutz parcels to Mark and Robyn Bersani was executed and recorded. Additionally, the easement permitting the expansion of the sidewalks along East Loveland onto privately owned property was executed and recorded.

New Business

Memorandum 78, 2016 Supplemental Appropriations, requested revisions to appropriations for the fiscal year ending December 31, 2016. Ms. Beach explained that in addition to the \$3,800 unexpended appropriations in the General Fund Special Events line item, staff is requesting \$14,700 be allocated for Christmas in Loveland, which is equal to sponsorship revenues obtained for the July 4 event. There was no further discussion.

Ms. Cheshire introduced, for first reading, an ordinance to make revisions to appropriations for expenditures of the City of Loveland, State of Ohio, during the fiscal year ending December 31, 2016.

Mr. Weisgerber asked if the \$14,700 went into the General Fund. Ms. Beach explained that the funds were deposited into the General Fund line item for special events. Mr. Weisgerber wanted to know why the City should use the \$14,700 if the City is expecting donations for Christmas in Loveland. Ms. Beach explained that the City still has to increase appropriations to be able to spend more than the remaining \$3,000.

Memorandum 79, Open Container District, requested the waiver of open container restrictions for the two events, Lovelandopoly and Light Up Loveland. There was no further discussion.

Ms. Cheshire introduced, for first reading, an ordinance waiving the provisions of Section 529.07(b)(3) of the Codified Ordinances to permit the possession of an open container of beer or intoxicating liquor in any other public place for the Lovelandopoly event to be held on October 29, 2016, and the Light Up Loveland event to be held on December 3, 2016.

Mr. Weisgerber noted that Lovelandopoly was a round robin drinking game in town and he understood the open container district. Light Up Loveland seemed to be more of a family event and he wasn't sure why an open container would be needed.

Mayor Fitzgerald asked Mr. Weisgerber if he considered Independence Day to be a family event. He asked if Mr. Weisgerber was suggesting that if there is an open container district, it isn't a family event. Mayor Fitzgerald noted that this was a first reading, and asked that discussion occur at the next meeting when the legislation would be voted upon.

Mr. Weisgerber indicated that he had follow up questions. He asked if open containers districts were being linked to City sponsored events. He asked if the open container provisions would be part of the special events policy.

Mr. Kennedy stated that open container provisions are not spelled out in the policy and are being reviewed on a request basis. He pointed out that the ordinance contained one City sponsored event and one private sponsored event.

Other New Business

Mayor Fitzgerald announced that the annual LHS Homecoming Parade would be held on Thursday evening and could cause traffic delays.

Executive Session

Vice Mayor Settell moved to adjourn to executive session under Ohio Revised Code Section 121.22 (G)(2) for the purchase or sale of property and 121.22 (G)(8) to discuss an economic development matter, seconded by Ms. Gross.

Roll Call - Yes: Bailey, Fitzgerald, Gross, Phelps, Settell, Weisgerber, Zamagias. No: (None). The motion passed with a vote of 7-0. Council adjourned to executive session at 7:28 p.m.

At 8:25 p.m., Mr. Weisgerber moved to reconvene in regular session, seconded by Mr. Zamagias.

Roll Call - Yes: Bailey, Fitzgerald, Gross, Phelps, Settell, Weisgerber, Zamagias. No: (None). The motion passed with a vote of 7-0.

Adjournment

There being no further business, Mr. Weisgerber moved to adjourn the meeting, seconded by Vice Mayor Settell. The motion carried by unanimous consent. Mayor Fitzgerald declared the meeting adjourned at 8:26 p.m.

Mark Fitzgerald, Mayor

Misty Cheshire, Clerk of Council

Community Improvement Corporation of Loveland
March 20, 2017 Meeting
Loveland Safety Center

Jay Stewart called the meeting to order at 3:09 PM.

Present members: Kelly Flanigan
 Cory O'Donnell
 Jay Stewart
 Karl Weidner

Absent member: Pam Gross

Also Present: City Manager Dave Kennedy and City Solicitor Joe Braun, Economic Development Consultant Rob Stansel, Mayor Mark Fitzgerald, Vice mayor Angie Settell, Andrew Brossart (financial advisor), Ken Geis (developer consultant), and Brenda Wehmer (bond counsel).

Approval of Minutes. The minutes of the meeting of the March 6, 2017 CIC meeting were presented for approval. Kelly Flanigan moved to approve the minutes. Karl Weidner seconded the motion. The vote was for unanimous approval.

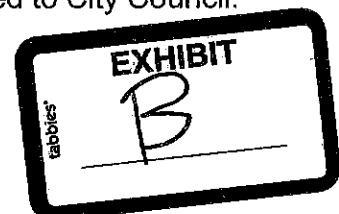
Cory O'Donnell motioned to move into Executive Session at 3:16 PM. Karl Weidner seconded the motion. There was a vote of unanimous approval.

Cory O'Donnell motioned to return to Regular Session at 3:27 PM. Karl Weidner seconded the motion. Unanimous approval.

Old Business: Kelly Flanigan motioned for CIC to approve an extension of the inspection period to The Schueler Group for the bowling alley property to March 28, 2017, with closing to take place not later that April 28, 2017. Cory O'Donnell seconded the motion. The vote was unanimous for approval.

New Business: No new business was discussed

Open Forum: Jay Stewart shared his thoughts on options/different methods for city to execute redevelopment of City Hall property. Dave Kennedy shared brief history of city goals to repurpose same property for its highest and best use. A feasibility study resulted in multiple scenarios with confirmation that no decisions have been made. All documents are available for public inspection. Ken Geis presented three different methods of development to the audience that included the positive and negative aspects of each. These methods have previously been presented to City Council.



Mayor Fitzgerald, Andrew Brossart, and Brenda Wehmer shared conversation with the audience concerning different aspects of development options, and associated risks with owning, renting, leasing the redeveloped property.

A member of the audience expressed concern about the authority of CIC. Legal counsel and the mayor addressed these matters.

Kelly Flanigan motioned to adjourn the meeting at 4:21 PM. Jay Stewart seconded the motion. Motion unanimously approved.