



# NORWOOD CITY COUNCIL

## Meeting Minutes

### September 22, 2020 - 7:30 p.m.

#### A) CALL TO ORDER

#### B) PRAYER

#### C) PLEDGE OF ALLEGIANCE

#### D) ROLL CALL

Roll was called. Mr. Bonsall, Mr. Gabbard, Mr. Geraci, Mr. Kelsch, Mr. DiNardo, Mr. Thompson all present. Mr. Breadon is not present.

#### E) AMENDMENT OF AGENDA

The President noted amendments needed to the agenda as follows: to change the version of the ordinance listed L7 was changed for a new version as it was missing community business district language; to add ordinances at I & L8. Mr. Bonsall noted he was not in support of the change. On motion by Mr. Thompson, seconded by Mr. Geraci, it was moved to amend the agenda as stated. Roll was called. All members present voted yes except for Mr. Bonsall.

#### F) MINUTES OF PREVIOUS MEETING

Amended July 28, 2020 – On motion by Mr. Geraci, seconded by Mr. Thompson, it was moved to approve and file the amended minutes. All members present voted yes. Motion passed.

#### G) PUBLIC HEARINGS

Planning Commission's recommendation on an amendment to the PUD ordinance

1. Speaking for the recommendation was Pastor Sonny James. There is a focus on diversity and should be embraced by the community. There has been transparency which is important.
2. Speaking against the PUD is Ashley Creech. She lives at 2240 Norwood Avenue but grew up on Kenilworth. She shared a personal story to highlight the need for affordable housing. She used to pay \$500 a month for an apartment on Kenilworth but that same apartment is now \$900. People are being priced out of Norwood. She was advised by PLK that the cheapest 1 bedroom apartment would be \$900 which is too much for most of the Norwood residents. Studies have shown that affordable housing actually helps the housing values go up and are good for the community.

#### H) REQUESTS TO ADDRESS COUNCIL

- 1) Dan Galligan who lives at 4773 Poplar Street addressed murals. He doesn't think that most people are informed about the mural issue. Many people on his street were unaware of it. He asked council to reach out to the community to discuss the issues and get their thoughts so that the council members can represent the will of the residents.
- 2) Elizabeth Hatchett who lives at 1757 Weyer Avenue spoke next. She believes that council needs to give definitive answers as to whether businesses are welcome in residential districts before decided whether murals are allowed on businesses in residential districts. If the city wants quality locally owned businesses to thrive in Norwood then they need to be supported and a plan for that support should be put together. Historically, Norwood did provide some assistance to these kinds of businesses. Signs were allowed before, perhaps murals could serve the same purpose.
- 3) Meg Albers who lives at 1810 Hopkins Avenue spoke against murals. She is concerned that there is no way for the city to control content of the murals due to first amendment rights. She thinks that painted murals will be used to express frustrations which will affect property values. She is asking city to keep murals out of residential areas.
- 4) Adam Wolterman who owns the multifamily at 1802 Hopkins Avenue spoke about his concerns regarding murals in residential areas. He doesn't want to gamble property values based upon murals. He isn't interested in seeing them in his neighborhood and thinks it will distract drivers on the road and cause a safety risk.
- 5) Joe Creech who lives at 5110 Hunter Avenue spoke against murals. He sees maintaining the murals as being difficult to enforce and that it would invite graffiti and tagging.
- 6) Tom Towhey 1833 Courtland Avenue is a long time resident of Norwood. The subject of murals is just Norwood catching up with the rest of the world. Cincinnati is well known for their program as are many other cities across the country. These programs have helped to restore vitality of the cities. We

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can learn from Cincinnati and make Norwood a place to enjoy. Murals provide benefits to the community.

- 7) Kirsten James of 1830 Hopkins Avenue, spoke to provide an update on Elevations Enrichment, Inc. They are doing outdoor, socially distant movie nights. They are also supporting Hearing Every Perspective which is being done by Pastor Sonny James.
- 8) Pastor Sonny James who lives at 1830 Hopkins Avenue. He gave honor to the recently deceased Supreme Court Justice Ruth Bader Ginsburg. He noted that Mr. Kelsch has embraced diversity despite thoughts that he and the Pastor may not get along. He thinks all people need to embrace economic inclusion and discuss issues even when they don't agree. Encourages people to apologize when they have made a mistake.

**I) REPORTS OF STANDING COMMITTEES OF COUNCIL**

1) Parks, Recreation & Public Spaces Committee Meeting Report

8/26 meeting report given by Mr. Kelsch. They heard from representatives from ASAP Norwood on the progress of the Norwood audit. A grant was given to Norwood which they plan on using at Burwood.

9/15 meeting report given by Mr. Kelsch. They heard from ASAP about the Waterworks Basketball courts which are now open. They got an update on the Norwood park audit. They discussed the Hunter Park renovation survey. They heard from Dana Boll about an adopt a park program and the Keep Norwood Cool program.

On motion by Mr. DiNardo, seconded by Mr. Geraci, it was moved to accept the report. Roll was called. All members present voted yes. Motion passed.

2) Economic Development Committee Meeting Report

9/15 meeting report given by Mr. Gabbard. He will be inviting Adsplosure to come speak at the next committee of the whole meeting to provide more information. They also clarified the definition of mural.

On motion by Mr. DiNardo, seconded by Mr. Thompson, it was moved to accept the report. Roll was called. All members present voted yes. Motion passed.

**J) THIRD READING OF ORDINANCES/RESOLUTION**

1) RESOLUTION DECLARING INTENT TO SELL UNNEEDED OR SURPLUS FIREARMS AND RELATED EQUIPMENT, BY INTERNET AUCTION DURING CALENDAR YEAR 2020, AND DECLARING AN EMERGENCY

On motion by Mr. Bonsall, seconded by Mr. DiNardo, it was moved to have the third reading of the ordinance. Roll was called. All members present voted yes. Motion passed. The Clerk did the third reading of ordinance.

On motion by Mr. Bonsall, seconded by Mr. DiNardo, it was moved to pass the ordinance. Roll was called. All members present voted yes. Motion passed.

**K) SECOND READING OF ORDINANCES/RESOLUTIONS**

1) ORDINANCE CONFIRMING THE UNUSED SICK LEAVE BENEFIT TO ALL FULL-TIME UNCLASSIFIED EMPLOYEES WITH MORE THAN FOUR YEARS OF CONTINUOUS SERVICE WITH THE CITY OF NORWOOD, OHIO AND DECLARING AN EMERGENCY

On motion by Mr. Gabbard, seconded by Mr. Geraci, it was moved to table this ordinance. Mr. Thompson asked for the Mayor to advise as to why this ordinance needed to be tabled. The Mayor was concerned about some language in the original ordinance could cause issues for the city later. Mr. Thompson asked the Law Director if the removal language was necessary. The Law Director noted that it didn't change the legal effect of the ordinance. Roll was called. All members present voted yes. Motion passed.

**L) INTRODUCTORY READINGS OF ORDINANCES/RESOLUTIONS**

1) ORDINANCE TO CHANGE APPROPRIATIONS FOR THE YEAR 2020, AND DECLARING AN EMERGENCY

On motion by Mr. DiNardo, seconded by Mr. Thompson, it was moved to have all three readings of the ordinance. Mr. DiNardo noted that the appropriation is to move money received from the Cares Act that the city received. Roll was called. All members present voted yes. Motion passed. The Clerk did all three readings.

On motion by Mr. DiNardo, seconded by Mr. Geraci, it was moved to pass the ordinance. Roll was called. All members present voted yes. Motion passed.

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- 2) ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO AMEND ORDINANCES 2-2014 TO ALLOW FOR RESIDENTIAL USE AT THIS PLANNED UNIT DEVELOPMENT OVERLAY ZONE AT PARCEL NUMBER 651-0019-0125 OWNED BY PLAYING CARD PARTNERS LLC

On motion by Mr. Bonsall, seconded by Mr. Gabbard, it was moved to suspend the rules and have all three readings of the ordinance. Mr. Bonsall stated that all three readings are needed due to the timelines inherent in the process and ORC requirements. PLK has been very transparent he believes. This ordinance allows the residential use. This and the next ordinance are for the site plans. It doesn't approve anything further.

Mr. DiNardo wanted to address Ashley Creech regarding his support of the ordinance. PLK has made note of very high income potential for the city. He understands that affordable housing is important but this development is related more in his mind to business and commercial use rather than residential.

Roll was called. All members present voted yes. Motion passed. The Clerk did all three readings. On motion by Mr. Bonsall, seconded by Mr. Gabbard, it was moved to pass the ordinance. Roll was called. All members present voted yes. Motion passed.

- 3) ORDINANCE APPROVING THE PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR REAL PROPERTY OWNED BY PLAYING CARD PARTNERS, KNOWN AS 4590 BEECH STREET, COUNTY AUDITOR'S BOOK 651, PAGE 0019, PARCEL 0125, LOCATED WITHIN A LIGHT MANUFACTURING (M1) ZONE DISTRICT WITH A PUD OVERLAY, AND DECLARING AN EMERGENCY

On motion by Mr. Bonsall, seconded by Mr. Gabbard, it was moved to suspend the rules and have all three readings of the ordinance. Roll was called. All members present voted yes. Motion passed. The Clerk did all three readings of the ordinance. On motion by Mr. Gabbard, seconded by Mr. Bonsall, it was moved to pass the ordinance. The Roll was called. All members present voted yes. Motion passed.

- 4) ORDINANCE ESTABLISHING THE NORWOOD ARTS BOARD

On motion by Mr. Thompson, seconded by Mr. Bonsall, it was moved to have the first reading of the ordinance. Mr. Geraci wants to know how council is to know whether the people on the board have the relevant experience to be on the board. Mr. Thompson noted that the Mayor will appoint the board members and noted that if anyone wants to be on the board or knows of anyone who may be a good fit they should contact the council. Mr. Geraci wants to know how having the board will be different than going through the economic development committee. Mr. Bonsall noted that there will be more than just murals that the board will be working on. Mr. Geraci asked how the board will be doing the meetings. Mr. Gabbard said that when an application is made for the permit, then that permit is given to the building department and then the arts board will meet. Roll was called. All members present voted yes. The Clerk did the first reading.

- 5) RESOLUTION DECLARING IT TO BE THE DESIRE OF COUNCIL THAT HALLOWEEN TRICK-OR-TREAT BE CELEBRATED ON SATURDAY, OCTOBER 31, 2020, BETWEEN THE HOURS OF 6:00 P.M. AND 8:00 P.M., AND RECOMMENDING THAT MASKS BE WORN, THAT SOCIAL DISTANCING BE PRACTICED, AND THAT HAND WASHING OR SANITIZING BE DONE

On motion by Mr. Bonsall, seconded by Mr. Thompson, it was moved to suspend the rules and have all three readings of the resolution. Mr. Bonsall noted that trick or treating is a hot topic right now and thinks that the community wants some certainty. Mr. DiNardo notes that he thinks that making trick or treating a set time helps to keep the holiday safer and helps our community. Roll was called. All members present voted yes. Motion passed. The Clerk did all three readings. On motion by Mr. Bonsall, seconded by Mr. DiNardo, it was moved to pass the resolution. Roll was called. All members present voted yes. Motion passed.

- 6) ORDINANCE AMENDING CHAPTER 1321 OF THE NORWOOD CODIFIED ORDINANCES TO ALLOW MURALS IN CERTAIN AREAS OF THE CITY OF NORWOOD (A)

On motion by Mr. Geraci, seconded by Mr. Kelsch, it was moved to read at least 2 letters from residents. Mr. Bonsall doesn't think its fair to read some letters but not all. Roll was called. All members voted yes. Motion passed.

Mr. Geraci read two letters. The first was against murals and noting additions they would like to see to any ordinances approving murals. The second thinks that there are more important issues than murals. They are concerned about first amendment lawsuits.

Mr. Thompson asked if this one needed to be amended but the Law Director said it is not needed since option A is meant to apply to all buildings except purely residential ones.

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On motion by Mr. Thompson, seconded by Mr. Bonsall, it was moved to have the first reading of the ordinance. Mr. Thompson clarified that this ordinance allows murals on all buildings that the other ordinance allows but also on approved conditional commercial use buildings in residential areas. This is a very narrow allowance. He thinks that this helps to allow economic development better.

Mr. Bonsall is concerned about how the ordinances have come about because some decisions were made about how the ordinances were written based upon the second ordinance. Meaning that ordinance B was to include neighborhood business districts. He thinks that perhaps the ordinances should go back into committee. Getting the new ordinance B right before the meeting is concerning to him. He is going to support ordinance A but has concerns about the process overall.

Mr. Gabbard noted that the ordinances at the last meeting were also wrong. One ordinance should have all buildings and one should have all building except residential. Roll was called. All members present voted yes. Motion passed. The Clerk did the first reading.

7) ORDINANCE AMENDING CHAPTER 1321 OF THE NORWOOD CODIFIED ORDINANCES TO ALLOW MURALS IN CERTAIN AREAS OF THE CITY OF NORWOOD (B)

On motion by Mr. Gabbard, seconded by Mr. Thompson, it was moved to have the first reading of the ordinance. Mr. Bonsall pulled up the zoning map and noted his understanding was that that neighborhood business districts would be included in both ordinances as written. He wants to amend ordinance B to include neighborhood business district on any building with a commercial use as section F3. Mr. Thompson said he would rescind his second but Mr. Gabbard was not willing to make the amendment as suggested. Multiple council members discussed whether they thought the ordinances actually reflected their understanding after the economic development meeting. Mr. Geraci is concerned that the ordinance is too vague. Mr. Kelsch and Mr. Thompson both support having the first reading of the ordinance. Mr. Geraci spoke with real estate agents who told him that only a specific demographic would want to buy a home that faces a mural. This is why he wants general business districts and mutlti use business districts out of the ordinance.

Mr. Geraci had several questions regarding specifics in the ordinance, i.e. specifications on materials to be used, repercussions for failure to maintain etc. Mr. Bonsall noted that violations of the chapter are dealt with in other areas of the current Chapter 1321. This is how all signs are covered per the Law Director. There was an extensive conversation regarding paints that can be used for murals. The Law Director notes that the sign code does give more information regarding the materials to be used.

Roll as called. All members voted yes except for Mr. Bonsall. Motion passed. The Clerk did the first reading.

8) ORDINANCE AUTHORIZING THE MAYOR OR SAFETY SERVICE DIRECTOR TO PURCHASE AN AMBULANCE WITH AN UPGRADED PATIENT CARE COMPARTMENT WITH AIR FILTRATION AND STERILIZATION CAPABILITIES NECESSARY TO MITIGATE EXPOSURE OF CORONAVIRUS AND OTHER AIRBORNE DISEASES AND DECLARING AN EMERGENCY

On motion by Mr. Dinardo, seconded by Mr. Gabbard, it was moved to suspend the rules and have all three readings of the ordinance. Mr. DiNardo noted that there are funds from the Cares Funds that need to be used or else we have to give it back. The financial committee thought that this was a good use of funds because the city would need a new ambulance by next year anyway. Mr. Gabbard asked the Fire Chief to give information about the ambulance. The Chief noted that they looked into getting one built but it would take too long so they did a nationwide search and found this particular ambulance. Chief noted that they team cycles 3 ambulances that have standardized parts across the board. Chief estimated that 5000 runs are done a year and 3500 use the EMS. They have won awards for EMS care and they are proud of that. Roll was called. All members present voted yes. The Clerk did all three readings. On motion by Mr. Bonsall seconded by Mr. Thompson it was moved to pass the ordinance. Roll was called. All members present voted yes. Motion passed.

9) ORDINANCE MAKING A SPECIAL EXCEPTION FOR ALL FULL-TIME UNCLASSIFIED APPOINTED EMPLOYEES WITH MORE THAN FOUR YEARS OF CONTINUOUS SERVICE TO THE CITY OF NORWOOD, FOR UNUSED SICK LEAVE BENEFITS

On motion by Mr. Bonsall, seconded by Mr. DiNardo, it was moved to have all three readings of the ordinance. Mr. Bonsall noted that the ordinance had been discussed several times and he thought it was best to get it done with. Roll was called. All members present voted yes. Motion passed. On motion by Mr. Bonsall seconded by Mr. DiNardo it was moved to pass the ordinance. Roll was called. All members present voted yes. Motion passed.

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**M) ADMINISTRATION REPORTS**

Mayor gave his report. There is a letter from the SSD regarding construction near Cathedral and Shanmoor. He gave some information about what is being done, which is an improvement of driving surfaces. Paving in Indian Mound is a different project and still on track to be approved and started this year. Financial Recovery Commission meets tomorrow. They will continue to go through the finances to get out of the FRP. Elm Avenue drainage issue has moved forward. There was a meeting with the engineers, MSD and the administration. It did not go well. MSD recognizes that there is a problem but haven't been cooperating with the city. He discussed the recent Board of Health Meeting which talked about the Covid vaccines and how they will be administered along with the flu shots they will be administering. He discussed the internet bulk purchasing and the fact that the city has gotten rid a lot of items from city hall which has helped declutter. The city is now paying much less for things like salt which saves money due to the bulk purchasing program. Also noted that Clint Zimmerman, the head of public works has now gotten his college degree. Also noted that Waterworks pool is about to close and Tonya Woodruff and her staff has done a great job.,

Mr. Bonsall hopes that MSD may cooperate to help get the matter resolved and invites the Administrate to reach out to encourage that.

Mr. Thompson asked the Mayor if there was anything else that the city can use the Cares Act funds so that we don't have to return the money. Mayor said that administration is looking at other ways that the city can take advantage of the funds.

**N) UNFINISHED BUSINESS**

**O) NEW BUSINESS**

Mr. Gabbard wants to put adsplosure into committee of the whole so they can provide more information and also wants to put into committee of the whole tri-state trails.

**P) COMMUNICATIONS**

- 1) Ohio Division of Liquor Control Re: Donna Cap LLC
- 2) Letter from Rene Dierker Re: Murals

On motion by Mr. Gabbard, seconded by Mr. Geraci, it was moved to receive and file the letter. Roll was called. All members present voted yes. Motion passed.

- 3) Letter from Tim Molony- Treasurer Re: Bank Reconciliation for August 2020
- 4) Letter from the SSD- John Murphy Re: Preliminary Construction Schedule- Cathedral and Shanmoor Avenue

On motion by Mr. Gabbard, seconded by Mr. DiNardo it was moved to receive items 1, 3, &4 as if read. Roll was called. Mr. Bonsall and Mr. Thompson voted no. All other members present voted yes. Motion passed.

**Q) EXCUSE ABSENT MEMBER**

On motion by Mr. Bonsall, seconded by Mr. Thompson, it was moved to excuse Mr. Breadon. Roll was called. All members voted yes. Motion passed.

**R) ADJOURNMENT**

On motion by Mr. Bonsall, seconded by Mr. Thompson, it was moved to adjourn the meeting. Roll was called. All members present voted yes. Motion passed.

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