



Council Chambers

May 14, 2019 ~ 7:30pm

A) CALL TO ORDER

The Council for the City of Norwood met in regular session on the above date with Ms. Leslie Stevenson, President Pro-Tempore presiding; Mrs. Laake was serving as acting-Mayor. The meeting opened with a prayer and the Pledge of Allegiance.

B) PRAYER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

On roll call, the following members answered present: Mr. Bonsall, Mr. Clark, Mr. Thompson, Ms. Stevenson, Mrs. Hanrahan, Mr. Sanker, and Mr. Breadon.

E) AMENDMENT OF AGENDA

On a motion by Mr. Thompson, seconded by Mr. Breadon, it was moved to amend the agenda as follows: add a communication from Mr. Garry regarding Moundview Drive and move it to immediately follow the approval of minutes, add a Administration Report from Auditor Jim Stith, add an ordinance regarding eGov, move both resolutions regarding the Special Energy Projects and District to immediately follow the appropriations ordinance, add a Then & Now Certificate ordinance, and include a revised Exhibit A with the appropriations ordinance. All members present voted, "Yes."

F) MINUTES OF PREVIOUS MEETING

On a motion by Mr. Clark, seconded by Mr. Bonsall, it was moved to accept the minutes of the April 23, 2019 meeting and the April 30, 2019 special meeting, as if read. Ms. Stevenson requested the motion be split to approve each set of minutes separately, since she was not in attendance at the April 30th meeting. Mr. Clark agreed to amend his motion to approve the minutes for the April 23, 2019 meeting, and Mr. Bonsall agreed to amend his second to the motion. All members present voted, "Yes."

On a motion by Mr. Clark, seconded by Mr. Bonsall, it was moved to approve the minutes from the April 30, 2019 special meeting. Ms. Stevenson abstained; all other members presented voted, "Yes."

G) REQUEST TO ADDRESS COUNCIL ON AGENDA ITEMS

1) Penny Worley **Re: Internet Auction of Surplus Real Property**

(addressed Council prior to consideration of the third reading of the ordinance)

Ms. Worley, of Worley Auctioneers, provided Council with an overview of her experience; she has run an auction company for 26 years, she turns assets into cash, she is a licensed realtor, a licensed auctioneer, and a certified appraiser; she currently only conducts on-line auctions. Ms. Worley stated the city enters into a contract with a listing agent, she will then get the listings together and work on items such as signage and marketing, and the auction is listed online for at least 30 days; an auction is a way to accelerate the value. Ms. Worley stated she is under contract with the FDIC; she has federal clearance. Ms. Worley stated the listings can be created in collaboration with Council to approve the verbiage beforehand; the listing is then pushed out to a bidder base of more than 30,000 bidders. These properties can be targeted toward businesses and residents in certain zip codes via postcard.

Mr. Bonsall asked about bidding increments and extended bidding. Ms. Worley stated the bidding increments are set and stay in fair increments that are already established; these increments are installed in the software. Extended bidding is a 5-minute extension for any bids that take place within 5 minutes of the auction ending; if no one else bids, then auction is then closed. The extended bidding process emulates a live auction, keeps it competitive, and generates more money. Mr. Sanker asked about the timeframe for moving forward; Ms. Worley replied by stating these properties could be sold by the end of June with the buyer closing 30 days after the sale. Ms. Worley would need to know the reserve amounts for the properties up front. Ms. Worley is confident the properties will bring top-dollar, based on the market today.

H) REPORTS OF STANDING COMMITTEES OF COUNCIL

1) **Housing, Health, & Public Safety: 5/8/2019** **Re: Building Department Fees**

On a motion by Mr. Clark, seconded by Mr. Breadon, it was moved to accept the committee report. All members present voted, "Yes."

2) **Finance, Budget, & Audit: 5/14/2019** **Re: Capital Improvement Plan & City Finances**

On a motion by Mr. Clark, seconded by Mr. Thompson, it was moved to accept the committee report. All members present voted, "Yes."

I) THIRD READING OF ORDINANCES

- 1) ORDINANCE AUTHORIZING THE SERVICE/SAFETY DIRECTOR TO SELL SURPLUS REAL PROPERTY BY INTERNET AUCTION AND TO ENTER INTO AN EXCLUSIVE RIGHT TO SELL AGREEMENT WITH KELLER WILLIAMS/PINNACLE GROUP TO CONDUCT THE AUCTION DURING CALENDAR YEAR 2019, AND DECLARING AN EMERGENCY.

Mr. Clark stated he will abstain from voting on this ordinance because of his full-time job.

On a motion by Mr. Thompson, seconded by Ms. Stevenson, it was moved to hear the third reading of the ordinance. Mr. Clark abstained; all other members present voted, "Yes."

On a motion by Mr. Bonsall, seconded by Mrs. Hanrahan, it was moved to pass the ordinance. Mr. Clark abstained; all other members present voted, "Yes."

J) SECOND READING OF ORDINANCES

- 1) ORDINANCE ENACTING CHAPTER 556 OF NORWOOD CODIFIED ORDINANCES ENTITLED "SCOOTER, BICYCLES, AND REMOTE VEHICLE RENTAL BUSINESSES."

On a motion by Mr. Thompson, seconded by Mr. Clark, it was moved to hear the second reading of the ordinance.

Mrs. Hanrahan stated she received answers to questions she had previously asked about this matter. She also received a letter from the Norwood Veterans Center expressing their concerns with the scooters on Montgomery Road and the impact on their clients. Mrs. Hanrahan stated Bird representatives have been more cooperative than Lime; Ms. Shapiro, with Lime, has agreed to attend the next Housing, Health, & Safety Committee meeting. Mr. Hanlon, with Xavier University, will also attend this meeting. Lime has stated they will not remove bikes or scooters at night unless they need to be charged; residents are complaining about the scooters being a safety concern when parked in the middle of sidewalks and on city streets.

All members present voted, "Yes."

K) INTRODUCTORY READING OF ORDINANCES

- 1) ORDINANCE TO CHANGE APPROPRIATIONS FOR THE YEAR 2019, AND DECLARING AN EMERGENCY.

On a motion by Mr. Bonsall, seconded by Mr. Clark, it was moved to suspend the rules and hear all three readings of the ordinance. All members present voted, "Yes."

Mrs. Hanrahan asked for an explanation of the changes that were made; Mr. Stith reviewed each of the line item changes that were made to the appropriations. A copy of the exhibit is on file in the Clerk of Council's office.

On a motion by Mr. Bonsall, seconded by Mr. Clark, it was moved to pass the ordinance. All members present voted, "Yes."

- 2) AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF NORWOOD, OHIO IN COOPERATION WITH THE CITY OF NORWOOD, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT AND DECLARING AN EMERGENCY

On a motion by Mr. Sanker, seconded by Mr. Clark, it was moved to suspend the rules and hear all three readings of the ordinance. All members present voted, "Yes."

On a motion by Mr. Sanker, seconded by Mrs. Hanrahan, it was moved to pass the ordinance. All members present voted, "Yes."

- 3) AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF NORWOOD IN COOPERATION WITH THE NORWOOD ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY

On a motion by Mr. Clark, seconded by Mr. Sanker, it was moved to suspend the rules and hear all three readings of the ordinance. All members present voted, "Yes."

On a motion by Mr. Clark, seconded by Mr. Sanker, it was moved to pass the ordinance. All members present voted, "Yes."

- 4) AN ORDINANCE AUTHORIZING AND APPROVING AN ENERGY PROJECT COOPERATIVE AGREEMENT BY AND AMONG THE CITY, THE CITY OF NORWOOD, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT, 4620 WESLEY, LLC AND INLAND GREEN TRUST, PROVIDING FOR THE FINANCING OF A SPECIAL ENERGY IMPROVEMENT PROJECT IN THE CITY; AUTHORIZING AND APPROVING A SPECIAL ASSESSMENT AGREEMENT BY AND BETWEEN THE CITY, THE COUNTY TREASURER, 4620 WESLEY, LLC, AND THE

CITY OF NORWOOD, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT; AUTHORIZING AND APPROVING RELATED AGREEMENTS; AND DECLARING AN EMERGENCY.

On a motion by Mr. Sanker, seconded by Mr. Breadon, it was moved to suspend the rules and hear all three readings of the ordinance. All members present voted, "Yes."

Mr. Sanker commended the owners for making this type of enhancement to their property.

On a motion by Mr. Sanker, seconded by Mrs. Hanrahan, it was moved to pass the ordinance. All members present voted, "Yes."

5) ORDINANCE AUTHORIZING THE SERVICE-SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT TO PURCHASE EGOV COMPUTER SPECIALIZED ACCOUNTING SOFTWARE AND TO ENTER AN AGREEMENT TO PROVIDE FOR TRAINING, AND DECLARING AN EMERGENCY.

On a motion by Mr. Bonsall, seconded by Mr. Clark, it was moved to suspend the rules and hear all three readings of the ordinance. All members present voted, "Yes."

Mrs. Laake confirmed this is included in the Financial Recovery Plan. Mr. Sanker asked about the training schedule for city employees; Mr. Stith replied by stating they have a well-established way of training employees. There will be a "playground" created for employees to play with the system for several months; this will allow employees to become proficient with the software prior to go-live. There will be on-site training for all employees who are expected to utilize the more extensive aspects of this software.

On a motion by Mr. Clark, seconded by Mr. Thompson, it was moved to pass the ordinance. All members present voted, "Yes."

6) ORDINANCE AUTHORIZING THE AUDITOR TO APPROVE A "THEN AND NOW" CERTIFICATE FOR THE BUILDING ASSESSMENT FUND (81) TO COVER THE COST OF AN INVOICE FROM THE OHIO BOARD OF BUILDING STANDARDS FOR 2018 FOR A TOTAL OF \$10,282.14, AND DECLARING AN EMERGENCY.

On a motion by Mr. Clark, seconded by Mr. Breadon, it was moved to suspend the rules and hear all three readings of the ordinance. All members present voted, "Yes."

Mr. Sanker asked what this matter pertains to; Mr. Stith replied by stating it covers the Board of Buildings fund. In this fund, 3% of every building permit issued by the city of Norwood is placed into a special fund, as directed by state law; this fund acts as a pass-through. Money was not appropriated because no one was aware this money was coming in; this ordinance addresses a bill from 2018. The amount exceeds the \$2,500 allotment that is permitted by the Auditor's office, and thus requires the approval of Council.

On a motion by Mr. Clark, seconded by Mr. Bonsall, it was moved to pass the ordinance. All members present voted, "Yes."

INTRODUCTORY READING OF RESOLUTIONS

(both resolutions were considered immediately following the appropriations ordinance)

1) A RESOLUTION APPROVING THE PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND PLAN FOR PUBLIC IMPROVEMENTS, AND DECLARING AN EMERGENCY.

Ms. Stevenson confirmed the Law Department sent clarification to Council of the order in which the resolutions and ordinances need to be passed; the agenda was amended to reflect the proper order. Mr. Garry stated this requires no expenditures to the city; this will allow the private property owner to enhance their property value with energy savings improvements.

On a motion by Mr. Bonsall, seconded by Mr. Clark it was moved to suspend the rules and hear all three readings of the resolution. All members present voted, "Yes."

On a motion by Mr. Clark, seconded by Mrs. Hanrahan, it was moved to pass the resolution. All members present voted, "Yes."

2) A RESOLUTION APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF NORWOOD, OHIO IN COOPERATION WITH THE CITY OF NORWOOD, OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

On a motion by Mr. Clark, seconded by Mrs. Hanrahan, it was moved to suspend the rules and hear all three readings of the resolution. All members present voted, "Yes."

On a motion by Mr. Sanker, seconded by Mr. Breadon, it was moved to pass the resolution. All members present voted, "Yes."

L) ADMINISTRATION REPORTS

1) Jim Stith, City of Norwood Auditor

Mr. Stith confirmed that each department head in the city, as well as every member of Council, should be receiving financial monthly close-out documents from the Auditor's office on a monthly basis. In March 2019, the city approved the updated Fiscal Emergency Plan, which was adopted by the commission; the current appropriations have been adjusted to match the intentions of the plan. The Certificate of Estimated Resources has been updated to reflect new revenue estimates and receipts. April closed with a general fund cash balance of \$2,617,576, with an encumbered balance of negative \$135,968; this negative amount is due to open purchase orders. The year-to-date general fund revenue is \$8,456,684.

Mr. Stith also stated the Tax Budget is due at the end of June; he would like to have a public hearing scheduled for the tax budget at the first meeting in June. The tax budget will match the Fiscal Emergency Plan; it projects the revenue and expenditures for the next year.

M) OTHER REQUESTS TO ADDRESS COUNCIL

There were no other requests to address Council.

N) UNFINISHED BUSINESS

Ms. Stevenson discussed adopting the revisions dated February 26, 2019 and were made to the Standing Rules of Council; Mr. Sanker recommended placing the matter on the next meeting agenda.

O) NEW BUSINESS

Mr. Sanker mentioned the work that is taking place on Forest Avenue between Norwood and Highland Avenues; there will also be a lane closure on Forest Avenue between Park and Harris Avenues to try and identify the source of sinking concrete slabs.

Mr. Breadon, Ms. Stevenson, and Mr. Bonsall each announced they are unable to attend the May 28th Council meeting.

Mr. Bonsall announced Off-Pike Market has combined with the Norwood Farmers' Market for an event that will take place this Saturday from 10am – 2pm on Mills Avenue. Mayor Williams announced he is opening the former market house/safety lane for residents to see.

Mr. Bonsall stated he has sent several emails to the Service-Safety Director and has received no replies.

Mr. Bonsall requests letters to be sent to the Service-Safety Director addressing the following issues:

- Traffic lights (non-functioning lights at the intersection of Ross and Section Avenues, missing signal-head at the intersection of Floral and Williams Avenues, and an update on the traffic study at Sanker Boulevard/Montgomery Road/Norwood Avenue)
- Water leak on Indian Mound Avenue (requesting the residents at 2381 Indian Mound are contacted by the Service-Safety Director)
- The purchase of a new fire engine (is it still the preference of the Service-Safety Director to move forward with this purchase in 2019)
- Pocket-park on Elsmere Avenue (requesting the mowing of grass in this pocket-park continues on a regular basis with all other city parks)

Mr. Bonsall announced a Finance, Budget, and Audit Committee meeting will take place at 6:30pm, on June 11th, in Council Chambers. Ms. Laake stated the floor in Council Chambers will be repaired soon; she will check with the Service-Safety Director on construction dates and communicate the details to members of Council.

P) COMMUNICATIONS

1) Chuck Barlow, Tax Commissioner

Re: Earnings Tax Ordinance

On a motion by Mr. Thompson, seconded by Mr. Clark, it was moved to receive and file the letter.

All members present voted, "Yes."

2) Mayor Thomas Williams

Re: Mayor's Court Fines for April 2019

On a motion by Mr. Clark, seconded by Mr. Sanker, it was moved to receive and file the letter.

All members present voted, "Yes."

3) Mayor Thomas Williams

Re: Resolution Veto

Mr. Bonsall stated there are "multiple falsities" in Mayor Williams' statement; Council did have the email at the meeting and multiple Council members did reach out to Chief Kramer about additional emails. This was a well-worded resolution; the veto is now taking up more time to talk about the email situation. Mrs. Hanrahan agrees with Mr. Bonsall's comments and stated Council did the right thing. Mr. Thompson stated he is not ashamed of what Council did, nor does he find it to be hypocritical; the fact that Council is being called out, instead of the person who made the error, creates a toxic work environment. Mr. Thompson apologized to employees of the city and stated Council tried to do what

they could. Mrs. Laake stated, by law, Council must wait a minimum of ten days from the notice of a veto to take any action; beyond the ten days, there is no limit to when Council may consider overriding the veto.

On a motion by Mr. Breadon, seconded by Mr. Sanker, it was moved to receive and file the letter. All members present voted, "Yes."

On a motion by Mr. Bonsall, seconded by Mr. Thompson, it was moved to add overriding Mayor Williams' veto to the June 25th agenda. Mr. Sanker and Mr. Breadon voted, "No;" all other members voted, "Yes."

4) Tim Garry, Assistant Law Director Re: Moundview Drive

(the letter was considered immediately following the approval of minutes)

Ms. Stevenson invited John Goedde, with JMA Consultants, and Jeffrey Dunlap, a Senior Geotechnical Engineer with Terracon, to address Council on the matter involving Moundview Drive. Mr. Goedde stated he was contacted by the Service-Safety Director regarding 2507 Moundview Drive and a storm sewer; after conducting research, it was discovered there is a 15' public storm-sewer easement dating back to 1944. Mr. Goedde then recommended Mr. Dunlap prepare a proposal to study what is taking place, after viewing the condition of the property. It is necessary to identify if the cause of the landslide is from moisture or failure of the storm sewer; a geotechnical survey will have to be provided (which includes soil boring) and requires the usage of a larger piece of equipment. Mr. Goedde needs permission through Norwood, from the property owners, to access the property in which they will have to use a drill rig.

Mr. Sanker stated he was contacted by the homeowners in March; he then contacted the Service-Safety Director. Mr. Sanker confirmed that following a heavy rain, deterioration was visible; the best solution is to identify a cause of the deterioration. Mr. Sanker asked about the access needed to utilize the equipment; Mr. Dunlap replied by stating this will require access from both Highland Avenue and Moundview Drive. There is a bowl-shaped head-scarp along 2507 and 2503 Moundview Drive, and there has been a defined toe-bulge identified on Highland Avenue; this does have the appearance of a landslide. Mr. Dunlap is unsure of the ability to identify a root cause; it could be a combination of several things. Mr. Dunlap explained the geotechnical process of remediation, the installation of inclinometers, the need for boring at the top of the slope and down-slope, and the utilization of an 18'-20' long remote-controlled track-drill-rig. Mrs. Laake stated she visited the property over the weekend and stated it is imperative to approve the expenses for this survey; the porch, a patio, and fence are pulling away from the house. Mr. Dunlap stated a retaining wall will probably be the fix for this issue.

Mrs. Hanrahan asked how long the erosion has been an issue; Mr. Dunlap replied by stating one resident built a retaining wall in the fall and upon the contractor's return in March, stated there were visible concerns of the damage to what had recently been built. Mrs. Hanrahan stated Council just received this letter and asked if there is any danger in waiting two more weeks; Mr. Dunlap replied by stating it is difficult to predict landslides, but the current damage could get worse. Mr. Goedde stated the earliest they can get equipment for this project will be the first or second week of June. Mr. Dunlap added that if this is not approved tonight, it could be pushed further back on the schedule.

Mr. Thompson had questions about the drilling rig and any damage it might cause to the residents' property; Mr. Dunlap confirmed the equipment can leave tracks and ruts, as well as indentations in the yard. There is also clearing of brush that will be required on Highland Avenue; the property owners will be responsible for removal of the brush that is cleared. The impact of damage can be negotiated ahead of time and not something that is usually covered by home owner's insurance.

Mr. Bonsall asked who normally pays for the borings; Mr. Goedde replied by stating the city is responsible for this because of the public sewer easement. Mr. Breadon stated he has video footage of the rainfall along Highland Avenue, and raised questions about possible sewer failure and erosion; Mr. Goedde confirmed there is a sewer failure, as the storm-sewer pipe has pulled away from the manhole. They can have a company run a scope in the storm-sewer between Moundview Drive and the first manhole to identify any disconnect, collapse, or debris. Mr. Bonsall stated he is sympathetic to the homeowners and supports approving this expenditure. Mrs. Hanrahan expressed concern about other residents waiting to get sewers fixed. Ms. Stevenson asked about the validity of the proposal if the project is delayed; Mr. Dunlap confirmed the proposal is good for 60 days. Ms. Stevenson asked Mr. Stith about the appropriations for this project; Mr. Stith stated it would fall under "public lands and buildings," funds should be available, and can be spent out of what is appropriated. Mr. Thompson asked if this project is something the city should put out for bid; Mr. Garry stated these are professional services on an emergent basis and he does not believe the bid process does not lend itself to the urgency that is necessary. Mr. Thompson stated one of the properties in the area is owned by Thomas Williams, Jr.; this statement was made for the purpose of transparency. Multiple discussions began taking place regarding impacted properties, identified properties on a map, property owners, and the properties relationship to the easement.

Mr. Sanker requested a break or point of order, because of the multiple conversations taking place. On a motion by Mrs. Hanrahan, seconded by Mr. Bonsall, it was moved to take a break. All present voted, "Yes."

Council returned from break.

Ms. Stevenson invited Larry Brinkmeyer to come forward and address Council. Mr. Brinkmeyer stated he has lived at 2503 Moundview Drive for 34 years; he also acknowledged that he is employed by the city of Norwood in the Building Department. Mr. Brinkmeyer stated the sewer line has been replaced at least 5 times between his yard and the neighbor's yard; it is currently not connected to the manhole down the hill and the water now runs over the hillside. The water ponds in a gully, which Mr. Brinkmeyer stated can be deep with heavier rainfalls, and is a safety concern. Mr. Brinkmeyer stated the patio he installed three years ago is now destroyed because of the head-scarps that have developed in his backyard and at the top of the hillside. The sooner this issue can be resolved, the better; he is glad to see Council is taking the time to discuss this matter. Mr. Brinkmeyer offered Councilmembers a tour of his property to see the extent of the damage.

Mr. Goedde stated he has not looked at the landslides at Millcrest Park. Mr. Bonsall asked Mr. Garry about his recommendation on the evaluation; Mr. Garry confirmed his recommendation of the evaluation, based on his understanding of the 15' easement.

On a motion by Mr. Bonsall, seconded by Mr. Sanker, it was moved to receive and file the letter.

Mr. Bonsall asked if Council needs to approve this expenditure; Mr. Garry replied by stating it may be an emergent issue which may not need Council's approval.

All members present voted, "Yes."

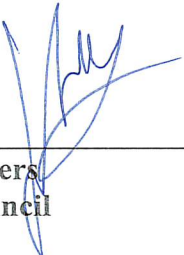
Q) EXCUSE ABSENT MEMBER/S

There were no absent members.

Ms. Stevenson announced a Public Hearing for the Tax Budget will take place at the June 11th meeting. Mr. Stith confirmed a communication will be sent to the Clerk of Council's office, so that proper notification may be sent regarding the Public Hearing.

R) ADJOURNMENT

On a motion by Mr. Clark, seconded by Mr. Sanker, it was moved to adjourn. All members present voted, "Yes."



Joseph S. Geers
Clerk of Council



Donna M. Laake
President of Council