



**NORWOOD CITY COUNCIL
SPECIAL MEETING
Norwood High School Gymnasium
Wednesday, April 15, 2020 - 7:30 pm**

A) CALL TO ORDER, PRAYER, PLEDGE OF ALLEGIANCE

The Council for the City of Norwood met in regular session on the above date with Mr. Ken Miracle Presiding as President. The meeting opened with a prayer and the Pledge of Allegiance.

B) ROLL CALL

On the roll call the following members answered present: Mr. Bonsall, Mr. Gabbard, Mr. Geraci, Mr. Kelsch, Mr. DiNardo, Mr. Thompson, Mr. Breadon. All council members present.

C) AMENDMENT OF THE AGENDA

The President noted amendments needed to the agenda as follows: letter to be read from a member of the public which Mr. Geraci will read to be added as a Request to Address Counsel and put on the Agenda as item E. On motion by Mr. Bonsall, seconded by Mr. Kelsch, it was moved to amend the agenda as stated by the President. Roll was called. All members voted yes. Motion passed.

D) REQUESTS TO ADDRESS COUNSEL

Mr. Geraci read an email from Mr. Wells. The email stated that there is a trend that should be investigated, and he hopes that there will be a delay on collections of water bills. He hopes that there will be an investigation/audit of internal and external billing procedures to see what went wrong. As for Cappy's, Mr. Wells said that he doesn't know the owner personally but hopes he is successful. Trex transfers are to spur economic development. He fears that we have confused what economic development is and wonders if adding a nice sign and putting out planters is development? He went further to ask if approving this transfer will set a low bar for other transfers. He does not think that approving the trex transfer is the best for the city.

E) INTRODUCTORY READINGS OF ORDINANCES/RESOLUTIONS

- 1) **ORDINANCE EXTENDING TIME TO PAY RESIDENTIAL WATER BILLS, ORIGINALLY DUE BETWEEN MARCH 12, 2020 AND AUGUST 12, 2020 TO THE LAST DAY OF THE MONTH FOLLOWING THEIR DUE DATES, AND DECLARING AN EMERGENCY.**

On motion by Mr. Kelsch, seconded by Mr. Geraci, it was moved to have all three readings of the ordinance.

Mr. Kelsch noted that in the current pandemic the city is in new territory and adjustments need to be made to make it through. Counsel has the power to correct this issue. People are being told to pay the bill or pay a fee and this is a "business as usual" response. The city is not in business as usual since people are out of work due to the pandemic. He spent most of April contacting the administration and water department to see what kind of relief can be granted to the residents. He was told that the administration will not waive late fees and but that they may consider waivers on a case by case basis for "non frequent flyers." Mr. Kelsch says that people who have financial problems are those who may need the help the most. On top of that, it appears that periodically there are high billing issues. He is also asking for a letter or communication from the administration that can be shared with the residents regarding the matter. Mr. Kelsch has been told that people are, in fact, sending in their meter numbers to the water department but are concerned that the bills are being estimated anyway. He hopes that the administration advises the Norwood water department to update their procedures and manuals. Mr. Kelsch understands that the water department is implementing a new billing software which should be implemented by June but asks that this implementation be completed sooner. He also asks for an audit of the water department by the city's Auditor's office and an external auditor so that the two audits can be compared. He wants to help the residents and reassure them that the council is being transparent.

Mr. Geraci noted that this situation is not unique and has happened several times. When his parents moved out of the city their final bill was 4 times the normal amount even though his father always sent in the blue card with the meter readings. He believes that this ordinance is a temporary solution and that council needs to work on a permanent solution. Mr. Geraci wants the audits to look at how the

readings are put into the system, what the process is when a meter reading card is received by the water department or when one was called in. He also believes that the audits need to review a random selection of cards to ensure that the system matches the card. He wants to know what quality controls are set up. He wants to know why the water bills are due within 4 days. He can't always pay his bill within 4 days if he doesn't get paid until the next week. He does not believe that issues within the water department should not cost the residents money.

Mr. Thompson thanked Mr. Geraci and Mr. Kelsch for their work on this issue. He has been told that residents feel they are given the run around when they call the water department to ask questions about their bill. He went over possible reasons for higher bills that should be easy for the water department to confirm for residents when they call, like issues with estimated bills and actual readings. He thinks this information should be the bare minimum of service that the water department should be able to provide. Mr. Thompson would support an ordinance that waives late fees for several months until we emerge from the pandemic.

Mr. Kelsch quoted the Norwood codified ordinance that states that the safety service director can waive late fees. He asked for the Mayor to speak about why he was against waiving late fees. Mr. Kelsch also noted that he does not want people to think that he is attacking the administration. The Mayor noted that he wanted to wait until he heard from the other council members before responding.

Mr. Bonsall noted that the water issue is very complex. He noted that bills are estimated too low, purposefully. When people have mentioned the issue to him, most of the time the problem is that the bills are estimated too low so when an actual reading is done the bills are too high. Also, readings weren't done for a few months since the reader had been injured. He hopes that at some point that readings can be done electronically meaning that a true reading is done every month which would eliminate this issue. He said that he reached out to the safety service director about estimating bills too low. He supports the ordinance even without the covid-19 issues. Mr. Bonsall also agrees that the short billing window should be lengthened.

Mr. Geraci noted agreed with Mr. Bonsall that the problem had been inherited. He spoke with a previous council member who told him that electronic meters were discussed previously but the trigger was never pulled. He thinks that this should be looked into or that the city should investigate getting services from Greater Cincinnati Waterworks. He hasn't done the research yet but when he spoke with residents at Golf Manor, he thinks that payments to Cincinnati Water may be close to what we are currently paying.

Mr. Breadon spoke next and said that he didn't think that anyone would speak out against this ordinance. He remembers the last time that meters were changed and said that bills went up. Ultimately he said that each resident is responsible for checking their own water bills every month to make sure they are right. He does it every month for each of his properties and will work with the water department if there is an issue. Many times if a water bill is high there is a leak. He recognizes that people need help right now but also recognizes that it is each person's responsibility to review their bills.

Mr. Gabbard noted that there have been several questions raised. He suggested that they be submitted to the Clerk of Council so that they can be sent to the Mayor in one letter and then answers shared.

Mr. Kelsch agreed that people have a responsibility to monitor their own bills but notes that the water department also has the responsibility to offer a quality service. If the city can't provide basic service then the question becomes whether we should be in the water business.

Mr. Geraci said that it is the water department's job to make sure that the numbers are correct. He thinks that we need to find out where the problem lies, the software, employees, etc...? He believes that we need to make sure that a good system is put into place to avoid this happening again in the future.

The Mayor then spoke. He feels that he has a fiduciary responsibility to be responsible with the city's money and that he coached some council members on how to move forward. He doesn't want to unilaterally waive fees as that is not the right way to make that decision. He has advised people that they should work directly with the water department on a case by case basis as that is how it has been done for years. As for waiving fees, it should be the council doing that but that doesn't fix the problem long term. He noted that council can send out a letter to the city but can't demand that the mayor do so. He wants to work with council and he is willing to get answers to the questions that the council has. There are differing areas of responsibility. The Mayor noted that areas of concern are the software and estimating. He commented that the council can appoint someone to do the internal audit and work to get that done. He asked how the council can get an external audit done but doesn't think that the money should be spent. The city is in the midst of a water system analysis and thinks that should be completed first since that will tell if Norwood should be in the water business. The water department is

currently looking at policies and procedures. He hopes that council will send him ideas as well as questions since he has heard several at the meeting that can be implemented. He is hesitant to waive fees when there are many people who never have late fees and many who always do. The Mayor also noted that the water department is unable to get into many homes so they can't read the meters. The Mayor suggested that the council could put this issue into committee and put together a team to investigate the root cause and put together a plan to make sure it doesn't happen in the future.

Mr. Kelsch stated that he felt that the responses he got from the city and the administration regarding his requests for information was lacking. Had he been provided the information that the Mayor just gave, that would have been helpful. He noted that he got an email from the Mayor saying that the administration didn't want to waive late fees but that there was no coaching. He questioned why the city ordinance gives the safety service director the power to waive late fees if that power should come through council. Mr. Kelsch reiterated that the water department has a responsibility to provide a quality service and customer service. He asked for a letter to be sent to the administration to request an external audit of the water department and for an audit by the Auditor's office. These measures could have been done without council having to meet and in his opinion it was a poor choice.

Mr. Geraci spoke to the Mayor through the chair and said that he will talk to the housing committee about putting together a task force to review the issue per his suggestion regarding an internal audit.

Mr. Kelsch suggested a motion to order the Mayor to seek quotes for an external audit because he wasn't sure that a letter would work. Mr. Geraci seconded that motion. Mr. Thompson advised that per separation of powers that he didn't think that the council can force the Mayor to do something. Mr. Bonsall agreed with Mr. Thompson and went further to state that he didn't think that the council could order an external audit.

The Mayor said that there was no need to send him a letter but that he would be happy to work directly with council. The city has been waiving fees for years on an individual basis. He is fine with the ordinance to waive them unilaterally. He noted that senior members of council act as coach to help get things done. Speaking with Mr. Kelsch he said that he could have provided more information and assistance and he apologized.

Roll was called. All members voted yes. Motion passed.

The clerk of courts did all three readings of the ordinance. On motion by Mr. Bonsall, seconded by Mr. Kelsch, it was moved to pass the ordinance. Roll was called. All members voted yes. Motion Passed.

F) CONSIDERATION OF TREX TRANSFER APPLICATION FOR DONNA CAP LLC

Mr. DiNardo noted that the owner of Cappy's provided Council several emails with information regarding items the council requested of him. Mr. Geraci questioned the amount of the investment made and whether it was truly economic development. He also suggested that the number of jobs being provided should be looked. He doesn't think that what has been done is truly economic development.

Mr. Bonsall thanked the applicant for being here and for the work that has been completed. Mr. Bonsall said that the applicant has done what council asked and he feels good about it. He also noted that the superintendent of liquor control will determine what is economic development and that it isn't council's job to determine. He is ready to vote yes on this issue. Mr. Bonsall thinks it will be good to have more people come into that area of Norwood.

Mr. Geraci stated that he expected more than just the bare minimum of what was asked and he expected more to be done by now. He doesn't think that liquor control will come into Norwood to inspect.

Mr. Kelsch said that he doesn't think the issue for Mr. Deluca is parking. Mr. Geraci said that his problem is that some of the changes to be made by the applicant are conditional – If I get the transfer then I will do this....He thinks some of the things being asked are those things that someone should want to do for his business.

Mr. Breadon noted that he does have some experience with the Ohio Department of Liquor Control and that the department is invested in their licenses. He believes that the department is in Norwood and does check up on their licenses.

Mr. Thompson spoke next. He questioned why a business owner would want to invest a large sum of money if he isn't able to get the trex transfer. He also said that he thought what was being requested of the applicant was unfair since it is much more than what the city would request of another business. He didn't think that this issue was worth an emergency meeting but thinks that since the council has been stewing over this issue for months it will be good to get it off their plates. He noted that part of the issue as to why

more hasn't been done is because we are in the midst of a global pandemic. He is leaning toward a yes vote.

Mr. Geraci said that we are trying to fix Norwood and that the work can still be done even in this pandemic. He hopes that all businesses that request trex transfers get this kind of scrutiny.

Mr. DiNardo requested that we vote to ask the law director to put a signature on the transfer. Bonsall said that he thinks it puts the credibility of council in jeopardy if we ask someone to do something and then change our minds after the person does all that was asked of them. He is disappointed by some things he has heard.

On motion by Mr. Bonsall, seconded by Mr. DiNardo it was moved to authorize the Clerk of Council to sign the trex form on behalf of the city.

Gabbard noted that if this is approved that he would strongly encourage that the applicant reach out to Mr. Deluca to work out their differences. Both sides have valid points and if they can work it out it would be for the best of the city.

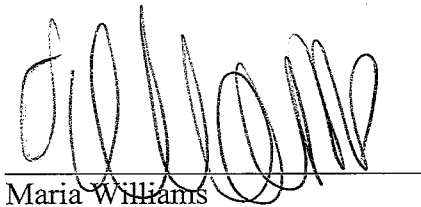
Roll was called. Mr. Geraci and Mr. Kelsch voted no. All other council members voted yes. Motion passed.

G) EXCUSE ABSENT MEMBERS

All members present

H) ADJOURNMENT

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



Maria Williams
Clerk of Council



Ken Miracle
President of Council