



## Council Chambers February 25, 2020 - 7:30 p.m.

### A) CALL TO ORDER

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, a moment of silence for Rita Smith and the Pledge of Allegiance.

### B) PRAYER

### C) PLEDGE OF ALLEGIANCE

### D) ROLL CALL

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

### E) AMENDMENT OF AGENDA

The President noted that an amendment of the agenda is needed to add a reading of a letter from the Norwood Tax Commissioner prior to item L and to add AN ORDINANCE REPEALING THE PROHIBITION AGAINST THE KEEPING OR HARBORING OF HONEY BEES AND THE DECLARATION THAT ANY BEEHIVE WITHIN THE CITY OF NORWOOD IS A PUBLIC NUISANCE, AND REGULATING THE KEEPING AND HARBORING OF HONEY BEES WITHIN THE CITY OF NORWOOD to item J. On motion by Mr. Bonsall, seconded by Mr. Breadon, it was moved to amend the agenda as stated by the President. Roll was called. All members voted yes. The motion passed.

### F) MINUTES OF PREVIOUS MEETING

On motion by Mr. Breadon, seconded by Mr. Geraci, it was moved to accept the minutes for the January 28, 2020 council meeting as written. Roll was called. All members voted yes. The motion passed.

### G) DISCUSSION AND INVITATION FOR PUBLIC COMMENTS ON DONNA CAP LLC, DBA CAPPY'S

1. Kate Wetzel who lives at 3811 Regent and Lindsay Williams who lives at 2150 Williams Avenue. They are excited that Cappy's has opened a second location in Norwood. The staff are knowledgeable and provide great customer service. The location is walkable and bikeable. They would like to see Cappy's be able to expand and believe that it is a good idea to show support for small business.
2. Alisha Loch who lives at 3738 Spencer Avenue. She met with the owner. She lives close to Cappy's and thinks it's great what they want to do. She also thinks it is great that he listened to their concerns and took time to speak with them.
3. Will Deluca who provided various Montgomery Road addresses and 2546 Indian Mound. He is a lifelong resident and small business owner. He made something out of nothing and helped develop South Norwood. He asked the council to consider the serious police runs. He had a gun held to his head and there was illegal activity in his parking lot. His customers were run off. He called the police about the issues. He staked out the old bread store and he saw Cappy's employees telling his customers not to park there – his parking lot. He hired a tow truck to tow people from his lot. Cappy's employees were ridiculing and harassing him. He was held up at gun point by someone who was a friend of an employee and the city shouldn't have to deal with it. He encourages small business but not at the expense of other businesses. He said that the owner of Cappy's chose to run it wrongly. If city allows the trex transfer, then the city is inviting issues in Norwood. Prosecutors don't shut down businesses for nothing. He said that the owners chose to run the Norwood store different from the one in Loveland. He wants responsible ownership. He believes that we need to change Norwood, and this is where it starts. He noted that the city can't stop wine license but can stop the trex transfer which sends the message that we won't allow such things in Norwood. It is not about competition. He survived another pizza place across the street. It's about peace of mind and not worrying about our kids. It would set a precedent that the city will look the other way. He

now has barricades at his place to stop people from parking there. He says that the bad behavior still going on and he begged the city not to allow the trex transfer.

4. Mike Lehman who lives at 3763 Floral Avenue. He owns small craft beer distributor. He has known Mr. Capodagli since 2012. He has a lot of customers with mix of on/off premise licenses. This is common in similar businesses like Marty's Hops and Vines in College Hill. He thinks it would be great to have and he lives down the street.

#### **H) REQUEST TO ADDRESS COUNCIL ON AGENDA ITEMS**

Emily Franzen who lives at 4207 Forest Avenue. She gave thanks for the first two readings of the bee ordinance and she is looking forward to final reading. She invited anyone who is interested to an introduction to beekeeping either on 4/16 or 4/17 depending on weather. This will be at Xavier and is free.

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

##### **1) STREETS & INFRASTRUCTURE COMMITTEE REPORT**

Mr. Breadon read the report from the committee. They addressed parking on the east side Quatman and noted that the fire department has concerns about space for parking their truck on Quatman in the event of a fire. They agreed to have further discussion. They also considered traffic patterns on Wesley Avenue, Marion Avenue and Ashe Street. They believe that a traffic study may be helpful to determine solutions. They also discussed a paving, repair and maintenance plan for the city and agreed that a study of the streets is necessary. On motion by Mr. Thompson, seconded by Mr. DiNardo, it was moved to receive and file the committee report. Roll was called. All members voted yes. The motion passed.

#### **J) THIRD READINGS OF ORDINANCES/RESOLUTIONS**

##### **1) AN ORDINANCE AUTHORIZING A CONTRACT WITH HAMILTON COUNTY, OHIO TO PROVIDE ITS SERVICES IN DISPOSING OF CITY SURPLUS PERSONAL PROPERTY**

On motion by Mr. Thompson, seconded by Mr. Breadon, it was moved to have the third reading of the ordinance. Roll was called. All members voted yes. The motion passed. The Clerk of Council did the third reading of the ordinance. On motion by Mr. Gabbard, seconded by Mr. Bonsall, it was moved to pass the ordinance. Roll was called. All members voted yes. The motion passed.

##### **2) AN ORDINANCE REPEALING THE PROHIBITION AGAINST THE KEEPING OR HARBORING OF HONEY BEES AND THE DECLARATION THAT ANY BEEHIVE WITHIN THE CITY OF NORWOOD IS A PUBLIC NUISANCE, AND REGULATING THE KEEPING AND HARBORING OF HONEY BEES WITHIN THE CITY OF NORWOOD**

On motion by Mr. Gabbard, seconded by Mr. Bonsall, it was moved to have the third reading of the ordinance. Mr. Bonsall wanted to acknowledge the Franzens and Justin Reynolds who all spoke at the committee meeting regarding this ordinance. Roll was called. All members voted yes. The motion passed. The Clerk of Council did the third reading of the ordinance. On motion by Mr. Bonsall, seconded by Mr. Geraci, it was moved to pass the ordinance. Roll was called. All members voted yes. The motion passed.

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

##### **L) Letter from Chuck Barlow, the Norwood Tax Commissioner**

The Clerk of Council read the letter regarding ORDINANCE AMENDING PARTS OF THE NORWOOD TAX CODE, SECTIONS 182.02, 182.03, 182.05. He noted that the changes in question were to align the Norwood Tax Code with the Ohio and Federal tax codes. On motion by Mr. Bonsall, seconded by Mr. Breadon, it was moved to receive and file the letter. Roll was called. All members voted yes. The motion passed.

#### **M) INTRODUCTORY READINGS OF ORDINANCES/RESOLUTIONS**

##### **1) ORDINANCE AMENDING PARTS OF THE NORWOOD TAX CODE, SECTIONS 182.02, 182.03, 182.05, TO COMPLY WITH STATE LAW, AND DECLARING AN EMERGENCY**

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

## **N) ADMINISTRATION REPORTS**

None

## **O) OTHER REQUESTS TO ADDRESS COUNCIL**

1. Lori Newsom who lives at 4119 Forest Avenue. She reported a problem with 4121 Forest Avenue which is in severe disrepair and has been for decades. The slate roof falling off and there are wild animals living there. The owner is ignoring orders from city. The city keeps giving him more time to fix things. The final deadline from the city to fix the matter is in 2 days. She has seen the owner is on the roof trying to fix the roof on his own. Other neighbors have complained to the health department also. It is a breeding ground for wildlife and a health hazard. A bat from her neighbor's home came into her home and died. The owner is making repairs that don't make sense. She has heard that the mayor's court will just give owner more time. She is not sure why the housing inspector hasn't gone over there. She thinks the roof may cave in. She is working on her home and was given strict rules by the building department and is not sure why her neighbor isn't given the same rules. There are many areas of holes in the roof. She has given the owner information on getting help to get the work done. The owner and his 90-year mother live there. His other family suggested calling the police to do welfare check. She feels like there is a double standard when someone who is trying to fix up a house has lots of rules and then someone else gets more time. The man who came with her, her contractor, thinks that there must be black mold. She has gone to health department. She isn't the first person to complain. Everyone acts like there is nothing they can do. She says there must be something that someone can do and asks council to help. Ms. Newsom also passed around photos. The Mayor took photos and said he would give them to the building department to investigate the matter further.
2. Susan Daniels who lives at 2063 Maple Avenue. She discussed the opportunity for Norwood to join the Go Vibrant organization. She is putting together walking trails that she calls the Norwood Healthy History Trail. Last year there was a Norwood Together Initiative which had a goal of getting more people out exercising and want to make Norwood more walkable. She started last year putting signs near historic locations to get people outdoors. Go Vibrant is helping her. She is creating routes and making sure that they cover all 4 wards. Go Vibrant has million step challenge. Norwood was entered into the challenge last year and we won against Mount Washington. A group went to the ceremony at Smale park last year to claim our prize, but Mount Washington was announced the winner due to a technical issue. Ultimately Go Vibrant announced a tie but the prize money had already been given to Mount Washington, so Norwood didn't get any. The Norwood Police dept donated the money that Norwood would have won to the city. The Go Vibrant Program does cost money. She is not asking for money from anyone because she is going to fundraise, use the money from the police dept etc. The money can also be used to help with parks etc. She is asking for help from council or the city for the installation of sign installation in Norwood. She is waiting on final cost which includes the materials needed to put up the signs.

Mr. DiNardo got her email which laid out the ask and he wanted to know how approval is granted? Mr. Gabbard said that he believes that it is the mayors call to approve that public works can put up the signs. He spoke with Clint Zimmerman about the signs and reports that Clint had no issue with it. He just needs to make sure that there are already poles where she wants to put signs or has the cost for a new pole. Susan doesn't think we need new poles since the city has a lot already.

One of the Chairs of Go Vibrant spoke next. The program is a nonprofit that has been around for 10 years. Their goal is to make activity irresistible so then people want to do it. Walking is great since easy, free etc. The program is active in 21 neighborhoods like Cincinnati, Newport, Golf Manor, and Delhi. Newport offered to mentor Norwood through the install process.

Another Chair of the program spoke next. Information regarding routes is put together using a computer including information on safety, signage on turns or long straightaways. They seek to highlight business districts and historic areas. A map would be created with where signs will be put/are in Norwood. The map would have a main start and stop point, and the master sign would show all routes. Norwood will have more than 9 miles of routes once done. They showed what a

master sign looked like. The sign would show distance of route, about how long it takes to walk it and a list of historic places to be pointed out.

Susan spoke and advised that the next Go Vibrant Challenge is 5/23. They hope to do a kick off party. Mr. Bonsall thanked Go Vibrant and Susan for coming. He appreciated that Go Vibrant did co-champions. The glitch was frustrating. He thanked Alice Rericha and Ron Murphy for their support. He is looking forward to next winning next challenge

3. Pastor Sunny James who lives at 1530 Hopkins spoke for himself and Walter Rice. He is excited that February celebrates the contributions of people of color. He is excited by changes that we as a people – Norwood – one race, race of the gem – have made. He realizes that Norwood has a reputation. He is reminded of bringing in department of justice to deal with a history of issues. He is excited by the new administration and council making progress in addressing issues. People ask why he is mad and negative always. He is passionate about being equal and being treated equally because of his mother who was involved in the civil rights movement. He stated that he cant be called a liar. 4 years ago he started a program called Walk the Wood with the vision of people walking together and coming together. That vision wasn't realized because he didn't fall into the status quo. How does it feel when someone uses the same idea and throws it in an African American's face? Groups in Norwood are great and they want people to join their agendas but these agendas started a long time ago by other groups. If you don't fit into their status quo you are kicked out. People that look like him are not asked to come to the table unless they fit under the status quo. The energy in Norwood is still very discriminatory. He asked that when you see projects and individuals, to see who they are connected to. His wife's program Elevations Academy, which happens from 330-530 on Monday and Wednesday. They meet at the library. They take kids to different places all over the city. The city has never approached them or tried to participate. There were no supporters from community when they did mental health training. He was frustrated when another status quo group is doing the same training and people are supporting it. He has been angry but he knows council and administration are here for change. He is giving out his 13 point plan for the city. He asked the council to consider these questions when they hear about programs. Why weren't they supported before? Is it because of skin color? Pastor doesn't mean to be negative. He has a passion for bringing people together but he is tired of seeing these initiatives come forward to do things that they tried to do before. He asks the city to just come support good programs. He gave his number - 513 487 8843 and stated that he is here to talk. He encouraged the city not to keep hidden discrimination

## **P) UNFINISHED BUSINESS**

1. Mr. DiNardo asking what to be done next about the Cappy's trex transfer? He wondered what the options are for the council. Are the options say no or say nothing? Mr. Breadon asked why the council wasn't voting on the issue as he thought that the council had decided to put the issue on the agenda. Mr. DiNardo asked Mr. Gary what options council has in the matter. Mr. Gary said he didn't have the application and didn't know. Mr. Bonsall noted that a signature from the city is needed to approve it. The Clerk of Council noted that she believed from the last meeting that there was an objection given at the end of last year to the trex transfer. Mr. Bonsall clarified that there was no action taken on the trex transfer but he thought an objection on the new license.

On motion by Mr. DiNardo, seconded by Mr. Breadon, it was moved to have the clerk sign on behalf of council to approve permits being issued. Mr. Gabbard asked for the Mayor's thoughts. He indicated that he had received from resident input in support and he would be for it. Mr. Geraci noted he is still on the fence because he still has questions about what effect these changes will have since the building still appears the same on the outside as it did when the store was called Donna's. He isn't sure that these changes will help to spruce up the business. He wants to see proof so he can get behind it.

Mr. Breadon noted that he ran a small business in Norwood for more than 25 years. He is hopeful that Cappy's will follow through with the promises but that they have right to succeed or fail on their own merits. Mr. Kelsch's concerns are about the business practices and wants to know the council can be assured that these things won't happen again like sales to minors, etc. Mr. DiNardo noted that what they are doing now is adding stools and a counter. The police and fire departments have both indicated that they have no issues and that there is no evidence of an increased risk with these new licenses. He willing to give the business a shot to bloom and grow.

Mr. Geraci is concerned that Cappy's will make more money and then fail to reinvest in the business therefore failing to better that area of the city. Mr. DiNardo noted that there are many

local business that could stand to improve but that the council is not here to rate businesses on improvement. That would be a concern of the economic development committee. Notes that what the council would be saying yes to an increased risk and is that risk mitigated. Mr. Thompson's concern is whether this is a proper use of trex? Trex should be used for economic development. He is not sure that increase of funds for a business is a proper use. Mr. Breadon noted that if there are problems that there are avenues to handle that. Council job is not to overstep in a small business. Mr. Geraci if the council grants the trex transfer and the businesses it doesn't help improve the community/look of the business then the granting of the transfer doesn't move the city forward. He supports second chances but wants proof of change and proof that something would be done/accomplished.

Mr. Gabbard asked for the pending motion to be rescinded and put matter into committee of the whole. He suggested inviting the business owner to come back and discuss in a less formal format. There were a lot of problems surrounding Donna's. This is same owner and he still has questions. Mr. Bonsall agrees with Mr. Gabbard. More likely than not that it will be fine but he wants to look more into the concerns of the public. A resident supporter tells him that he gets carded all the time also questions whether fake ids are really an issue any more. He would also like to get an opinion from the law department as to if this qualifies as economic development.

Mr. DiNardo rescinded his motion. Mr. Breadon doesn't want to rescind his second because he does not want to step on the owner's right to run a business. However he did rescind his second. On motion by Mr. Gabbard referred the subject of Cappy's into committee of the whole.

2. Mr. Gabbard set an economic development meeting on 3/3/20 at 6:30. Items to be discussed are mural, a plan on how to go about making sure new developments come through the committee for review. He asked to place into the parks commission the issue of looking into grants for turning railroads into trails. He also asked to place into the housing committee increases in building permit fees.
3. The President referred to the committee of the whole a report on accounting methods and will get a meeting scheduled.

#### **Q) NEW BUSINESS**

1. Mr. Bonsall advised that he had gotten messages regarding the demolition of the old playing card factory and rodents escaping during that time. They wanted to know if the demolition company be doing some pest control to stop the rats from going to nearby homes. The Mayor noted that he was not aware of any such plan but said he will ask how that can be controlled.
2. Mr. Breadon wanted to comment on the shots fired incident on Worth and Carthage. He commended the police department for quick action and great service. He let citizens know that council is here for them.

#### **R) COMMUNICATIONS**

- 1) Mayor Schneider RE: Executive Session

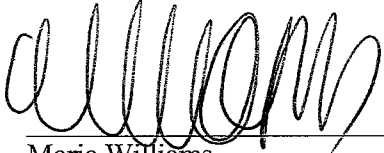
The Clerk of Council read a letter from the Mayor requesting that the council consider going into executive session as permitted by ORC 121.22(G)(4), to prepare for, conduct, or review union negotiations or bargaining sessions with NFD & NPD concerning their compensation or other terms and conditions of their employment. On motion by Mr. Bonsall, seconded by Mr. Thompson, it was motioned receive and file the letter from the Mayor and to go into executive session as permitted by ORC 121.22(G)(4), to prepare for, conduct, or review union negotiations or bargaining sessions with NFD & NPD concerning their compensation or other terms and conditions of their employment. He also asked that the law department, the mayor and the mayor's legal team be allowed to attend the session. Roll was called. All members voted yes. Motion passed. Council went into executive session at 9:12 pm. On motion by Mr. Breadon, seconded by Mr. DiNardo, it was moved to come out of executive session. Roll was called. All members voted yes. Motion passed. Executive session ended at 10:37 pm.

#### **S) EXCUSE ABSENT MEMBER**

All members present.

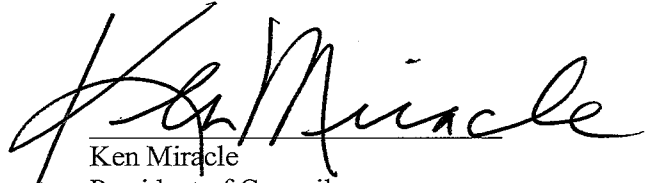
**T) ADJOURNMENT**

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



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Maria Williams  
Clerk of Council



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Ken Miracle  
President of Council