



NORWOOD CITY COUNCIL

Meeting Minutes

October 13, 2020 - 7:30 p.m.

A) CALL TO ORDER

B) PRAYER

C) 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.

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

None

F) MINUTES OF PREVIOUS MEETING

August 11, 2020

August 25, 2020

September 8, 2020

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

G) PUBLIC HEARINGS

None

H) REQUEST TO ADDRESS COUNCIL

Chief of Police Bill Kramer came to speak about the provision of a Life Saving Award. Officer Robert Towne and Officer Brian Hoffman encountered a man who appeared passed out. They called for help and then Officer Towne began chest compressions and continued until he heard breathing. Officer Hoffman assisted. The man stopped breathing again and Officer Towne started compressions again. They turned the man over to the medics. At the end of the day the man survived. Chief Kramer gave the Life Saving Awards to the Officers as he and the lead officer on duty that day felt that they were deserving.

Matt Lachaw who lives at 1756 Courtland Avenue spoke in support of murals. He wanted to remind council that obscenity is not covered under the first amendment and to suggest that murals will help Norwood grow.

Lyric Morris-Latchaw who lives at 1756 Courtland Avenue spoke next. She had been hired by Lydia's house a few years ago to come up with a mural design. An image of a portion of the mural has been circulated as being phallic shaped. She notes that when taken in context that area is a part of a flower. She showed photos. Any reference to genitalia was accidental. She also wanted to note that Elizabeth and Sam Hatchett had nothing to do with her mural design.

David Thompson who lives at 4228 Ivanhoe Avenue spoke regarding murals. He is afraid that we may be losing sight of the big picture. There is data showing that there is overwhelming support for public art and mural. In the PLK survey more than 80% of residents who responded said that they wanted to see murals. There are also competing petitions regarding murals. There are 500 and some people who has signed the petition for and 100 and some people who signed the petition against. He noted that it isn't council's job to make sure that no one is offended. Norwood is a diverse place with a lot of different uses and it is ok to embrace that. He hopes we don't get stuck asking the question "what if something bad happens." That is not a reason not to do something. It is just as important to ask "what if someone good happens."

Vicki Garry who lives at 2242 spoke to express her concerns about the constitutionality of the mural ordinances being passed. She does not believe that either ordinance will pass muster if challenged in court. Regulating the content of a medium means that a challenge is subject to strict scrutiny. First amendment

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allows people to express themselves even in manners that some find offensive, ugly or in bad taste. She referred to a Supreme Court cases as support. People have the right to express themselves and if the city restricts that then there will be suits and legal fees paid. She asks for council to allow murals all through Norwood.

Jerry Hof who owns the property at 1925 Sherman Avenue spoke in support of murals as he has started one on his building. He has been waiting for permission to finish his sunflower mural. He was shocked that there was a language change to the ordinance restricting murals in neighborhood business districts. He is asking for murals to be allowed throughout murals but especially in neighborhood business districts.

Julianna Thompson who lives at 4228 Ivanhoe Avenue spoke. She was grateful that the living saving award was given prior to requests to address council as murals is a small issue in comparison. She thinks that the mural issue has tapped into deeper matters. She is glad the discussion is happening since change is hard. She suggests art everywhere.

Nathan Wendt and Hollie Johnson spoke. Father Wendt lives at 3844 Victory Parkway. He came to discuss community engagement with Xavier University students. He spoke with Mary C. Miller with Norwood Together to come up with ideas to help. She gave several suggestions including talking to Pastor Sonny James. Hollie Johnson is a professor at Xavier and 100% of her students are white. Unless there is economic inclusion there will continue to be a large number of white teachers. She is working with Pastor James and her students to help facilitate conversations with people of color. This has been life changing for her students. She is worried that without economic inclusion that children of color will suffer.

Pastor Sonny James who lives at 1830 Hopkins spoke and noted that it is important for people to get tested for Covid. He desires to make challenges to help the lives of people who need it most. He wants all residents in his neighborhood to be safe and grow up with opportunities. Economic inclusions addresses the inequality that has plagued Norwood. People are starting to come to the table to embrace differences. On January 15 from 6-7 there will be a socially distant march about equality and he encourages everyone to come out and join.

Mike Weigel representing 2016 Mills Avenue spoke last. He has more than 100 apartments in Norwood. He came to speak about the Nuisance Property Ordinance. Council has worked for months to come up with a new ordinance to address problem properties. He gave some input and he is in support of the ordinance which is fair and will help give a better quality of life to everyone in Norwood.

I) REPORTS OF STANDING COMMITTEES OF COUNCIL

Committee of the Whole Report

President of Council gave the report for the 10/6/20 meeting. They met with Adposure and will be sending communication to the administration about that meeting. They met with TriState Trails regarding local trails. They are donating bike racks. They also spoke with Pastor Sonny James about his 13 point plan.

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

Finance, Budget & Audit Committee Report

Mr. DiNardo gave the report of the meeting. They discussed third quarter financial review. Financial reviews will now be done quarterly. They met with the Port Authority regarding bonds. They also discussed claims processes. An ordinance should be submitted to council for review soon. Finally they discussed RITA and they recommend that the administration enters into an agreement with RITA for collection of taxes.

On motion by Mr. Bonsall, seconded by Mr. Breadon, it was moved to receive and file the report. Mr. Bonsall was excited by the meeting and looks forward to supporting possible bond benefits. Roll was called. All members present voted yes. Motion passed.

J) THIRD READING OF ORDINANCES/RESOLUTIONS

None

K) SECOND READING OF ORDINANCES/RESOLUTIONS

1) ORDINANCE ESTABLISHING THE NORWOOD ARTS BOARD

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

2) 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. Thompson, seconded by Mr. Bonsall, it was moved to have the second reading of the ordinance. Mr. Thompson noted that this ordinance is the less restrictive of the two ordinances and will allow at least 3 murals that are currently waiting for approval. The next ordinance takes out murals from neighborhood business districts. He believes this ordinance is the better one for the city. In the communication he has gotten from people, about 80% is pro mural. Mr. Geraci said that about 80% of the people he has spoken to is against murals. It doesn't make sense to allow murals in residential neighborhoods. A supporter of murals will hear more from supporters he says. He doesn't agree with the first ordinance. Mr. Bonsall said that he spoke with Mrs. Hatchett who told him that she wanted everyone to know that they no longer have plans on doing a mural at 1822 Hopkins Avenue because they want to reconcile with their neighbors. He supports this ordinance as he believes it is the best ordinance for Norwood. Mr. Thompson noted that neither ordinance allows murals on a house. Roll was called. All members voted yes. Motion passed. Clerk did the second reading.

3) 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. Thompson, seconded by Mr. Kelsch, it was moved to have the second reading of the ordinance. Mr. Bonsall said that prior to the hearing he noted that neighborhood business district was taken out of the ordinance. He was told that it was the intention of council to always take it out. He has watched the meetings and did not find any mention of taking that out of the ordinance. He does not believe that some council members did not know how the zoning areas worked but that he was not going to mention it again since any ordinance is better than none at all. Mr. DiNardo noted that he watched the meetings and that Mr. Bonsall was correct, it was not brought up before. Mr. Gabbard apologized for any miscommunication or misunderstanding regarding this ordinance and zoning areas. He had thought that the point of the second ordinance was to take out neighborhood business districts as a kind of middle ground. Roll was called. All members present voted yes. Clerk did the second reading.

L) INTRODUCTORY READINGS OF ORDINANCES/RESOLUTIONS

1) RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

On motion by Mr. DiNardo, seconded by Mr. Thompson, it was moved to have a first reading of the resolution. Mr. Dinardo hopes that the resolution can be passed at the next meeting. Mr. DiNardo noted that this allows the Auditor to work with the Hamilton County Auditor regarding thier calculations on taxes and levies. Mr. Breadon noted that this is something that is done every year and he is fine with doing all three readings. Roll was called. All members present voted yes. Motion passed. Clerk did the first reading.

2) ORDINANCE ENACTING NEW CHAPTER 567 OF THE NORWOOD CODIFIED ORDINANCES ENTITLED "CHRONIC NUISANCES" AND DECLARING AN EMERGENCY

On motion by Mr. Geraci, seconded by Mr. Kelsch, it was moved to suspend the rules and have all three readings. Mr. Kelsch noted that a lot of work went into this ordinance and that it will help to protect the residents of the city and make life better. Mr. Geraci thanked the committee members and law department for working so hard. They worked with city landlords and various city departments to come up with the best ordinance possible. There are processes that include a board made up of residents. Mr. Bonsall supports three readings but since it was on a prior agenda, believes that residents were aware of the ordinance. Though not perfect, he believes that the ordinance is a good one for the city. He thanked Mr. Weigel for providing input from the standpoint of a landlord. He notes that this is the first time that property violations have civil penalties which he thinks is a start of something good. Mr. Gabbard noted it was a long process but this ordinance is an example of how things should run and be cordial. They listened to residents and made changes. He hopes that this provides teeth to move forward and get changes made. He supports the ordinance but not three readings tonight so that Roll was called. All members present voted yes except for Mr. Thompson and Mr. Breadon. Motion failed. On motion by Mr. Bonsall, seconded by Mr. Gabbard, it was moved to have the first reading of the ordinance. Roll was called. All members present voted yes. Motion passed. Clerk did the first reading.

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3) ORDINANCE AMENDING NORWOOD CODIFIED ORDINANCE SECTION 133.01 TO AUTHORIZE THE SETTLEMENT OF CLAIMS FOR DAMAGES AGAINST THE CITY INVOLVING THE PAYMENT OF \$1,000.00 OR LESS

On motion by Mr. Bonsall, seconded by Mr. DiNardo, it was moved to suspend the readings and have all three readings of the ordinance. Mr. Bonsall noted that back in the 70's it was allowable for the Auditor and the Law Director to pay claims against the city for less than \$250 without approval from council or committees. They did the research and that amount with inflation would be about \$1000. Roll was called. All members present voted yes. The Clerk did all three readings. On motion by Mr. Bonsall, seconded by Mr. DiNardo, it was moved to pass the ordinance. Roll was called. All members voted yes. Motion passed.

4) RESOLUTION DECLARING THE MONTH OF OCTOBER 2020 TO BE "BREAST CANCER AWARENESS MONTH" IN THE CITY OF NORWOOD, OHIO

On motion by Mr. Breadon, seconded by Mr. Gabbard, it was moved to have all three readings of the resolution with the first reading in full. Mr. Bonsall noted that there was some fear that with Covid some people may not get their screenings but it is important to do so. Roll was called. All members present voted yes. Motion passed. The Clerk did all three readings. On motion by Mr. Gabbard, seconded by Mr. Thompson, it was moved to pass the resolution. Roll was called. All members present voted yes. Motion passed.

M) ADMINISTRATION REPORTS

The Mayor provided his report. Streets are being paved at Cathedral and Shanmoor. He described the process. The Indian Mound project will start in the spring and will likely take until summer. Some trees will need to be removed as a necessity. The ladder truck is now fully in service. The new ambulance is in the state but needs the cot installed. There are also new police cruisers in service. All of the covid funds were used. New funds have now been made available in the amount of \$700,000 and that can now be used for personnel costs. They are reviewing how to utilize those funds in the best manner. He also suggests planting trees.

Mr. Gabbard asked if curbs will be included in the Shanmoor project. The mayor noted that he is not sure, it depends on the work that ends up needing to be done. Mr. Kelsch asked for an update on the Elm Avenue project. The Mayor noted that they have been looking at federal funds to help. He suggested Mr. Kelsch speak with the Safety Service Director.

N) UNFINISHED BUSINESS

None

O) NEW BUSINESS

Mr. Thompson noted that the Hamilton County Election board is here in Norwood and that absentee ballots can be dropped off there or mailed in and that extra postage is needed on those.

Mr. Bonsall noted that the streets near the board of elections during business hours are busy and that residents may want to avoid that area. An absentee ballot box will be placed across the street too to help.

Mr. Gabbard noted that at the committee of the whole meeting they only got to discuss Pastor Sonny James' 13 point plan for about 20 minutes. He would like to place into the law and ordinance committee amending the standing rules so that a new committee be created on diversity and inclusion. He also suggests that all council members be a part of that the committee meet every other month and the committee of the whole meet on the off month. He wants to ensure that Norwood is inclusive to all. Pastor James has pushed for the conversation to be started and he recommends that this committee works through his 13 point plan and then invite other communities to discuss how the city can better include them. Mr. Bonsall asked for there to be more action items be on the agenda when things are referred to committee of the whole. He asks for more description as to what is being asked of council to do. Mr. DiNardo said that he believes that starting the committee is the first step and that there will likely be many meetings determining what the issues are and then determining what the action items are. He also noted that there are many groups now recognizing that diversity and inclusion is an important issue to be addressed. Mr. Kelsch thinks it is a great idea and offered his assistance where needed. Mr. Bonsall said that he didn't think that everyone needed to be on the committee. Mr. Breadon feels that it is not efficient to have everyone in the diversity and inclusion committee. Mr. Geraci notes he will be there as best he can. Mr. DiNardo thinks it is important for everyone to be involved since it is such an important topic. He went on that it will not only be a conversation with Pastor James.

Mr. Bonsall referred into law and ordinance committee the issue of what communications are added to the agenda.

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Mr. Kelsch reminded council that there is parks and recreation committee meeting tomorrow. Mr. Gabbard added TriState trails into the parks and recreation committee.

Mr. Bonsall reminded residents that the Norwood Historic Home tour is happening this Saturday. The tour is all outdoors. There are three tickets left. You can find it by googling the Norwood Historic Home Tour.

P) COMMUNICATIONS

Letter from Mayor Schneider

Re: Mayor's Court Fines

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

Letter from Jim Stith- Auditor

Re: Financial Reports

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

Letter from Mr. Keuffer

Re: Tom Perry

On motion by Mr. Geraci, seconded by Mr. Thompson, it was moved to receive and file the communication. Roll was called. All members present voted yes except for Mr. Breadon. Motion passed.

Letters to Council regarding murals

Re: Various residents

On motion by Mr. DiNardo, seconded by Mr. Thompson, it was moved to receive and file the letters as read. Bonsall believes they should be read. Mr. DiNardo believes that council has heard from both sides extensively. Mr. Thompson withdrew his second, Mr. Breadon seconded. Roll was called. Mr. Bonsall, Mr. Gabbard and Mr. Thompson voted no. All other members voted yes. Motion passed.

Petition to prevent murals

Re: Various residents

On motion by Mr. Breadon, seconded by Mr. Kelsch, it was moved to receive and file the communication. Mr. Bonsall noted that he was voting no out of principal but understands why people would not to hear all names being read. Roll was called. All members present voted yes except for Mr. Bonsall and Mr. Thompson. Motion passed.

Letter from the Planning Commission

Re: Volkswagen automobile dealership on South side of Lexington Avenue at Montgomery Road

On motion by Mr. Bonsall, seconded by Mr. Gabbard, it was moved to refer the matter to the economic development committee. Mayor confirmed that the zoning commission approved the pud application. Mr. DiNardo asked why it was approved. Mayor is on the commission and thinks that going into committee is probably best so that council can review the issue. There is as substantial amount of money that the property owner has put into it. Mr. DiNardo asked if the board of zoning appeals will review. Bonsall said no since this is a pud. Bonsall was disappointed at the lack of discussion regarding the plans. The planning commission should be doing the work he thinks to ensure that the plans fit into the neighborhood and city and recommends that they do such investigation in the future. He also doesn't believe that the amount of money put into a project should not be determinative. Roll was called. All members present voted yes. Motion passed.

Q) EXCUSE ABSENT MEMBER

None

R) ADJOURNMENT

On motion by Mr. Breadon, seconded by Mr. Thompson, it was moved to adjourn the meeting. All members voted yes.

A handwritten signature in black ink, appearing to read "William M. ...". The signature is written in a cursive, flowing style.

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