



# NORWOOD CITY COUNCIL

## Norwood High School Gym

### April 28, 2020 7:30 p.m.

#### 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 AGENDA

The President noted amendments needed to the agenda as follows: letter to be read from the Blue Water Real Estates Holdings, Inc. immediately prior to the public hearing; the addition of the ORDINANCE DENYING THE REQUEST FOR A ZONE CHANGE AND THE PLACEMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT OVER 2037 COURTLAND (651-0032-0011-90), 2041 COURTLAND (651-0032-0010-90), 2045 COURTLAND (651-0032-009), 2049 COURTLAND (651-0032-008), 2038 WEYER (651-0032-0016-90), 2042 WEYER (651-0032-0017-90), AND 2046 WEYER (651-0032-0018-90); and the addition of the ORDINANCE APPROVING A ZONE CHANGE FROM RESIDENTIAL MULTI-FAMILY (R-3) TO GENERAL BUSINESS DISTRICT (GBD) AND THE EXPANTION OF A PLANNED UNIT DEVELOPMENT DISTRICT (GBD-PUD) OVER 2037 COURTLAND (651-0032-0011-90), 2041 COURTLAND (651-0032-0010-90), 2045 COURTLAND (651-0032-009), 2049 COURTLAND (651-0032-008), 2038 WEYER (651-0032-0016-90), 2042 WEYER (651-0032-0017-90), AND 2046 WEYER (651-0032-0018-90) to be considered by the council immediately after the public hearing. On motion by Mr. Bonsall, seconded by Mr. DiNardo, it was moved to amend the agenda as stated by the President. Roll was called. All members voted yes. Motion passed.

#### D) MINUTES OF PREVIOUS MEETING

None

#### E) READING OF LETTER FROM BLUE WATER REAL ESTATES HOLDINGS, INC.

The Clerk read the letter from the Blue Water Real Estates Holdings, Inc. On motion from Mr. Bonsall, seconded by Mr. Thompson, it was moved to accept and file letter. Roll called. All members present voted yes. Motion passed.

#### F) PUBLIC HEARING

The Norwood City Council held a Public Hearing on April 28, 2020 at 7:30 pm in the Norwood High School Gym, 2020 Sherman Ave., Norwood, OH 45212. Item on the agenda: John Wallis, representing Blue Water Real Estates Holdings Inc., owner of 2037 & 2041 Courtland Ave located within a Residential Three with a Planned Unit Development overlay zoning district (R3/PUD) is proposing Zoning changes from R3 and R3-PUD to GBD-PUD (General Business with a Planned Unit Development overlay zoning District) for the property addresses of 2037, 2041, 2045, 2049 Courtland Avenue & 2038, 2042 and 2046 Weyer Avenue, Norwood, Ohio 45212. This item is available for review in the Norwood City Clerk of Council Office room 205 of Norwood City Hall, Monday through Friday 9:00 am – 3:00 pm

The President asked who would like to speak in favor of approving zone change. No one did.

The President asked who would like to speak against approving the zone change.

First to speak was Leon Montgomery who lives at 2045 Courtland Avenue. He has lived in Norwood his whole life. He lives next to the school and church owned by Blue Water. His neighbors all feel the same as he does. He thinks that the business had good intentions at first. One day they requested a change in the zoning and the very next day they put it up for sale. It is listed right now for sale. He questioned if Blue Water is going to do something about the viruses, then why have the property up for sale? The properties are for sale for 550K and he hasn't seen anyone look at them. He noted that Blue Water isn't keeping the property up either. The neighboring yards are kept immaculate and the neighbors are proud of it. On the other side of the street there is a business and a parking lot. The other corner has a grocery. Mr. Montgomery loves the street and his neighbors. There is a group home that they never hear anything out

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of. He doesn't understand what Blue Water is thinking. If the zoning changes it will change everything for his wife and him. He has put a lot of money in his property and he knows his neighbors have too. His property would become non-conforming if the zoning change passes so if he had to sell his home, he would have to sell it as a business. He did his research at city hall. This is not a big street and if the zoning changes then the traffic would be terrible. The church on the corner has good people. During church hours people park on the street but then it is hard to get down the street. If he wanted to leave Norwood, he would have done so when General Motors closed but if this zoning changes it will change his thinking and likely other people too. People thought he was crazy to buy a home near a school, but he never had any issues with them. If this company is going to do all that they say they are, they would have checked the zoning before buying it. The people who came to the last meeting from the Blue Water didn't even know that the property was up for sale. They were embarrassed. It was suggested at the meeting in December that the Blue Water should talk to the residents. They said that they would, but they haven't yet. Mr. Montgomery tried to call the woman who spoke at the last meeting and was told that she was unaware of what was going to happen at that point. There is no guarantee as to what is going to go in there if the property sells. They were told that the property would be kept up. The change in zoning would hurt him and his neighbors. Mr. Montgomery said he thinks maybe we are discussing this again because the company was hoping that a new council would work in their favor.

Mr. Bonsall said that the applicants applied for a zoning change. Norwood code says that you can't request a zoning change just for your property but have to ask for it on neighboring properties. It went to planning commission and who denied the request. There were a ton of residents there that day. There wasn't time for the previous council to consider the request. Mr. Bonsall thinks that denying the request takes a majority vote of the council but that an approval of the change would need a three-quarter vote in favor. He thanked Mr. Montgomery for coming back. Mr. Breadon stated that he doubts that we should pass the change when the planning commission denied it.

The Law Director noted that discussion should happen during discussion of the ordinances not during the public hearing.

James Balistreri, who lives at 2022 Courtland avenue spoke next. He has lived there for 22 years, since 94. They bought the home from the lunch lady at Allison school whose husband grew up there. They have worked hard to restore it to its original state. They were excited by the condo plans for the school and church and were heartbroken when that fell apart. When the person from Blue Water met his wife, she was excited that there were plans for the property. When he attended the previous hearing, he was shocked to see how ill prepared the company representatives were. The fact that they didn't even know the property was for sale was stunning. He thinks that they were looking for a quick easy way to make a profit at the neighbors' expense. There are a lot of companies doing biomedical research but there is nothing that he has seen that shows that their vaccine would be acceptable or approved by the FDA. He urged council to deny the change. It is not worth the impact to the neighborhood, there isn't enough certainty, Blue Water hasn't done their due diligence, nor have they calmed the neighbor's concerns.

Mr. DiNardo thinks that this company may have changed their plans mid-stream. He asked Mr. Balistreri if that was correct. Mr. Balistreri said that this developer didn't produce any plans and didn't seem to know what they wanted to do with it. Mr. DiNardo clarified then his understanding that the original plan was residential and when that didn't work out then this biomedical company and zoning issue came up.

Mr. Breadon asked Mr. Balistreri if he believed that the representatives from the company were being honest. Mr. Balistreri said he can comment only on the hearing and he thought that they were ill prepared which didn't bode well to him even though his wife appeared to like the woman when they met.

Mrs. Balistreri spoke next. She noted that there was an original plan to take the two schools and two churches and turn them residential. She described the plans and said it was great and very beautiful. There was the opportunity for many people to own in the area. When the representative from Blue Water came to her, they said that their company was small. The representative brought her into the church and gave her some general ideas of what the owner wanted to do in the church. Mrs. Balistreri said that when they went to the meeting and found out that the property was for sale, she thought that perhaps Blue Water thought that they could flip it. There was no real plan, a few people who would use some of the space and rent out the rest of the property to any kind of business. When they first moved in, there were homes that were torn down to make space for parking lots. Residents would have been great since it would be more homeowners. She showed the representative the original failed residential plans. The representative asked to borrow them and never brought them back. Mrs. Balistreri thinks the company is full of flakes.

Mr. Breadon confirmed that the plans "borrowed" were those from the previous owner. Mrs. Balistreri noted that the previous plan fell through due to financing issues. He could only get financing if he made apartments and not condos. She further noted that the buildings are beautiful and will need to be torn down if they are left empty for too long.

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**G) ORDINANCE DENYING THE REQUEST FOR A ZONE CHANGE AND THE PLACEMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT OVER 2037 COURTLAND (651-0032-0011-90), 2041 COURTLAND (651-0032-0010-90), 2045 COURTLAND (651-0032-009), 2049 COURTLAND (651-0032-008), 2038 WEYER (651-0032-0016-90), 2042 WEYER (651-0032-0017-90), AND 2046 WEYER (651-0032-0018-90)**

On motion by Mr. Kelsch, seconded by Mr. Gabbard, it was moved to suspend the rules and to have all three readings. Mr. Kelsch thanked Mr. Montgomery for having him over to discuss the matter. He noted that the zone change would make the neighboring homes non-conforming. That would make it hard for them to sell their homes. This doesn't sit well with him. He doesn't want to see residents displaced or have issues with their investments. Mr. Kelsch thinks that economic development is great and may be good in this location but there is a right way to do it. He doesn't think that what the company is doing is the right way. He asked the other council members to vote yes on this ordinance.

Mr. DiNardo said that he has really looked at this issue over the last few days and he is leaning toward staying with the denial of the zone change. He thinks that this opens the conversation on how to handle the review of plans for economic development. He thinks that companies should perhaps discuss the issue before purchasing the property. He thinks that this property may stay empty for some time even though it is an attractive location. He thinks that the city should encourage the current owners to develop the property or sell it to someone who will. Mr. DiNardo encouraged the council members to reach out.

Mr. Bonsall thanked the residents who came to speak. He is supporting the denial of the zone change. Denying the request means that the owner would have to reapply which gives the residents a chance to provide their input to the planning commission again. He agreed that the residential plan of the previous owner was a great plan but confirmed that it is not the current owners. The current owners did actually buy the property from the church. Mr. Bonsall noted that help is available to a property buyer even before they buy.

Mr. Breadon asked the Law Director why the homes were included in the zoning change request. The Law Director stated that the idea of zoning means that different uses are in separate areas. If a property is going to be zoned commercial, then the connecting properties would also need to be commercial. Our zoning code required the change to be requested. Mr. Breadon asked what would happen if the zoning change was approved. The Law Director said that a non-conforming property can stay as non-conforming as long as it still used for that use. That changes if it is empty for 6 months. Mr. Breadon thinks that the choice is simple.

Mr. Gabbard thanked the residents for coming to the meeting. If we approve the zone change then we are telling the residents that we don't care about you. The property values would sink. That point alone means that he supports denying the zone change. He agreed with Mr. DiNardo that the council wants to help companies do business in Norwood. The application to the zoning board of appeals has an address for Blue Water that is a house and that doesn't make it seem like this is a big business. The address for the company in Connecticut is a UPS address and that seems shady. The property was put up for sale and then the price went up the day they requested the zoning change or the day after he thinks. Mr. Gabbard stated that the property is still listed for sale which doesn't make sense if they are trying to do business here. Blue Water also misrepresent the property on the Sibcy Cline advertisement for sale. It says that the property is in a business district and commercial area which is untrue. This is shady and they won't pull it over on this council.

Mr. DiNardo only wants companies to move to the city that want to be in Norwood. He thinks that the current owner is in a mess and perhaps the council can help them get out the mess so that the property doesn't sit empty for many years. Mr. Gabbard noted that a company that is actually doing their due diligence they would have seen the zoning issue before buying it. The city and council need to help spur businesses but shame on this company. Mr. Breadon commented to both Mr. DiNardo and Mr. Gabbard that the council should be helping people. He thinks both of them are spot on.

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

Upon motion by Mr. Bonsall, seconded by Mr. Breadon, it was moved to remove the ORDINANCE APPROVING A ZONE CHANGE FROM RESIDENTIAL MULTI-FAMILY (R-3) TO GENERAL BUSINESS DISTRICT (GBD) AND THE EXPANTION OF A PLANNED UNIT DEVELOPMENT DISTRICT (GBD-PUD) OVER 2037 COURTLAND (651-0032-0011-90), 2041 COURTLAND (651-0032-0010-90), 2045 COURTLAND (651-0032-009), 2049 COURTLAND (651-0032-008), 2038

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WEYER (651-0032-0016-90), 2042 WEYER (651-0032-0017-90), AND 2046 WEYER (651-0032-0018-90) from the agenda. Roll was called. All members present voted yes. Motion passed.

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

None

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

None

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

None

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

**1) ORDINANCE AUTHORIZING THE ADOPTION OF AN ALTERNATIVE METHOD OF APPORTIONING THE LOCAL GOVERNMENT FUND**

On motion by Mr. DiNardo, seconded by Mr. Geraci, it was moved to have the second and third reading of the ordinance. Mr. Bonsall noted that this needs to be done before the end of the month. He is supporting the ordinance. Roll was called. All members voted yes. Motion passed. The Clerk did the second and third reading of the ordinance.

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

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

**1) ORDINANCE AMENDING NORWOOD CODIFIED ORDINANCE 373.01(d) TO ADOPT THE "IDAHO LAW" AS IT PERTAINS TO THE OPERATION OF BICYCLES IN THE CITY OF NORWOOD, OHIO**

On motion by Mr. Geraci, seconded by Mr. Bonsall, it was moved to have the first reading of the ordinance.

Mr. Gabbard asked who requested the ordinance. The Mayor indicated that he did. Mr. Gabbard asked the Mayor, through the chair what prompted the ordinance. The Mayor noted that he rides his bike in the city. The current code says that when on his bike he needs to stop at all 4 way stops. This ordinance means that a cyclist can look both ways and if it is safe the cyclist can go through the stop sign. This is like an Idaho law, hence the name.

Mr. Bonsall said that he was excited to see this ordinance. There are states other than Idaho that have adopted this law. This will send a good message to the city. He notes that most cyclists do this anyway.

Roll was called. All members present voted yes. Motion passed. The Clerk did the first reading.

**2) ORDINANCE TO CHANGE APPROPRIATIONS FOR THE YEAR 2020, AND DECLARING AN EMREGENCY**

On motion by Mr. DiNardo, seconded by Mr. Breadon, it was moved to suspend the rules and have all three readings of this ordinance. Mr. DiNardo indicated that this is further financial landscaping. Roll was called. All members present voted yes. Motion passed. The Clerk did all three readings.

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

**3) ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT TO REROOF THE NORWOOD FIRE DEPARTMENT BUILDING AT 4725 MONTGOMERY ROAD, AND DECLARING AN EMERGENCY**

Mr. Gabbard asked if this ordinance was for the whole roof or for a repair. Fire Chief Tom McCabe addressed the council. The ordinance is the result of his leg work on getting estimates for a roof on the fire house. There are 4 roof surfaces. Some are getting repaired and some are getting a full roof. This will buy some time so that the status of the building itself can be reviewed. The roof has been leaking since 2004. The building is always in use. The main dormitory is where some of the largest leaks are. The building department wanted to write orders on it. This is important to get repaired. Mr. Bonsall is concerned that there is no dollar limit to this ordinance. He asked the Law Department if the council will need to be consulted prior to entering into a contract if it turns out to be significantly more than the original bid. The Law Department stated

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that it depended and that ordinances are written both ways. Mr. Bonsall said that he thought that some assurance should be added in to ensure the dollar amount doesn't go too high. Mr. DiNardo noted that there is 125k in the capital improvements plan based upon two of the bids previously obtained. Mr. Breadon asked about some construction specifics and specifically asked for additional information regarding the polymer seal on the metal roofing. Chief McCabe said that only one contractor provided a second option of the polymer. The roof has been sorely neglected for years and this solution will buy some time and will be much cheaper. This will get 10 years and a warranty on that work. He thinks it is a wise use of taxpayer dollars. When there is a rainstorm the beds have to be moved around to avoid getting wet. Mr. Bonsall asked Chief McCabe what the reasonable life span of a firehouse is. The Chief noted that there are a lot of factors to take into consideration. For their house, once they hire a woman massive changes will need to be made. The building serves them well and is well built. They can get anywhere in the city in 3 ½ minutes. There are some technical struggles. 50 years is an average lifespan. With proper maintenance he thinks this house can last 2 more decades. The Mayor added that the servers are in the basement and that with so many surfaces on the roof, that makes the matter more difficult. He went further to note that passing this ordinance is important.

Roll was called. All members present voted yes. Motion passed. The Clerk did all three readings.

On motion by Mr. Gabbard, seconded by Mr. Geraci, it was moved to pass this ordinance. The roll was called. All members present voted yes. Motion passed.

**4) ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE A REBUILT 2013 ELGIN STREET SWEEPER, AND DECLARING AN EMERGENCY**

Mr. Geraci asked why this was made an emergency. He thought that this was a new sweeper, but it isn't, and he would like to see more information prior to voting on it. Mr. Bonsall noted that declaring an emergency just means that the ordinance takes effect immediately and that council can still just do one reading. Mr. Geraci said he understands that but doesn't think that the council should do all three readings. On motion by Mr. Thompson, seconded by Mr. Geraci, it was moved to have the first reading. The Law Director noted that the SSD found a nearby city which is getting rid of the sweeper for such a low price that this should be acted on immediately. The price is more than the SSD can buy without coming to council so that is the reason for the ordinance. The sooner we pass it, the higher the chance that we are actually able to purchase the sweeper. Mr. Geraci says he doesn't have any specs on the sweeper. It is rebuilt and is afraid of having to rebuild it a year from now. Mr. Gabbard noted that section 1 of the ordinance gives the specs of the sweeper. Mr. Gabbard asked the Mayor to comment. The Mayor said that the current one is out of commission and would take 35 to 40K to get it working again. That wouldn't be a good use of the city funds. A new sweeper would be over 100K. Mr. DiNardo said it would be 150K for a style that the city doesn't even want. The Mayor noted that the city is trying to capture a deal, but it is up to the council.

Mr. Breadon noted that the money is there to purchase the street sweeper and that public works needs the sweeper to keep the streets clean. He said that the same people complaining about the emergency readings are the same people who will complain about the streets not being cleaned. Mr. Kelsch asked what kind of issues not cleaning the streets will cause. The Mayor noted that it will keep the catches cleaner, pick up gravel and even get litter. It has a dumper on the front to dump into a dump truck so the sweeper wouldn't have to go back to the shop to dump. It is like the sweeper that Cincinnati uses. Mr. DiNardo said in full transparency that the sweeper has been available since last February but there is no guarantee that it will still be available in the next 60 days. If council only does one reading tonight then perhaps the council should commit to doing the other two readings at the next hearing. He noted that public works has done their best to get the other sweeper up and running but have been unsuccessful. Mr. Bonsall is fine with doing all three readings since this matter has been put off for some time and because this is a good deal based upon his research.

Mr. DiNardo asked if this changed anything. Mr. Thompson rescinded his motion. Mr. Geraci rescinded second. On motion by Mr. DiNardo, seconded by Mr. Bonsall, it was moved to suspend the rules and have all three readings. Roll was called. All members present voted yes. The motion passed. The Clerk did all three readings. On motion by Mr. Bonsall, seconded by Mr. Breadon, it was moved to pass the ordinance. Roll was called. All members present voted yes. Motion passed.

**M) ADMINISTRATION REPORTS**

The Mayor gave a report. New reports indicate that Covid19 will be a threat through 2020 and until a vaccine is developed. He gave numbers of infection in Norwood and the state. The Norwood Health Department has been working with People of Interest – POIs – when it is reported to them. He noted that

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the Health Department is not the gestapo. The department can hope that cases are reported or that their communication is returned but it may not happen. The Health Department is doing their best to help contain the spread and get as much information out to the public as possible, but people have rights. The issue with the store that was recently closed was reported by the city and the city reacted as soon as possible.

The city has no legal recourse that says that a business has to tell the city that an employee has gotten sick. Every day there is a briefing by the Norwood Health Department as well as a briefing by the state and federal government.

The Mayor went over the businesses that will be reopening on May 1<sup>st</sup>. He is confident that we are moving in the right direction and urges citizen to continue to follow the CDC recommendations. Mr. Thompson asked for the Mayor to discuss the high mortality rate in Norwood as there has been 5 deaths; 15% mortality rate which is much higher than the national average. The Mayor said he is getting the same information as everyone else from the Health Department. He has not seen a breakdown of age groups, but he knows that there were some issues at the two health care facilities in Norwood. There has been a strike team put together to work with the facilities. There is a lot of medical information that can't be shared due to HIPPA laws.

The mayor gets emails every day from multiple agencies and jurisdictions. There is so much information coming out and it is being passed on. Every Monday there is an interdepartmental meeting in the city – a zoom meeting – to bring the administration together to make sure each department has what they need and is supported. He commended the police and fire department for keeping our city safe.

The water department issue is being worked on. A new employee has been brought in. The late fees have been waived and the mayor noted that it is still very important that the residents call in their meter readings.

The city is moving forward with collecting bids on projects and the city staff is continuing to work. The Safety Service Director is continuing to make headway. He is working on putting guards in city hall and implementing the use of masks. He is working on preventative maintenance on the HVAC system as it hasn't been done for some time. A lot of that is related to not having the money. These areas are very important and must be done to prevent problems with, for example the servers. The community center is the next hurdle as the roof has issues. He knows that there are some residents saying that administration keeps spending money however these jobs are deferred maintenance items. The Mayor noted that the items that were put off because we didn't have the money now need to be done to prevent even bigger issues. They are watching the budget and noting what impact it will have on the city.

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

none

#### **O) UNFINISHED BUSINESS**

Mr. Geraci said that he spoke with Mayor about the grassy area owned by SORTA. He was advised that SORTA does not want to sell the property which is disheartening. SORTA is refusing to do something with it but is looking at maybe, possibly leasing the property to the city. He knows that there is a SORTA levy on the budget and doesn't understand why they won't sell a property if they are in need of money.

#### **P) NEW BUSINESS**

Mr. DiNardo spoke about the 2021 tax budget. Submission of the budget is the first step for preparing the budget for the next year. When submitted to the council it allows the county to review the distribution of tax funds on city's behalf. It has to be submitted by July 17<sup>th</sup>. He asked for the June 23<sup>rd</sup> meeting to have a public hearing on the 2021 tax budget. Then on June 9<sup>th</sup> the council will be presented with the budget. In the next two months the treasurer and auditor will be working with the administration to work on revenue predictions.

Mr. Geraci asked to place into housing committee an ordinance regulating chronic nuisance residences. He is going to set a meeting in the next week.

Mr. DiNardo noted that on 5/19 they will hold a finance committee meeting. They will be discussing revenue projections. Mr. Bonsall would like to see the meeting reset to the 6<sup>th</sup> of May. Mr. DiNardo is waiting to hear back from the Treasurer before making the change. They will start the formulation of the financial planning review in the third quarter. They are also going to be discussing possible formulation of small business loans due to Covid 19 issues.

Mr. Kelsch would like to schedule a parks committee on 5/20. He would like to discuss the hill falling in Millcrest Park making the baseball field unplayable, bids on work to be done, and overall park renovation in Norwood.

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Mr. Bonsall noted that a resident reached out about yard signs outside of the board of elections office. Mr. Bonsall noted that many appear to be on private property, but some may be on public property. He is wondering if we can limit the number of signs that are out there. He would like to refer this matter to the housing committee.

Mr. Gabbard asked to place into streets committee the topic of traffic calming. Mr. Breadon asked about what area. Mr. Gabbard said overall in Norwood just to discuss ideas.

Mr. Gabbard asked who monitored the city Facebook page. The Mayor noted that he does along with two administrators at city hall. Mr. Gabbard said that he has been contacted by residents saying that comments have been deleted. He is concerned about limiting freedom of speech. He suggested perhaps turning off comments to eliminate that potential problem. Mr. Thompson said that he has also received complaints about comments being deleted. He thinks it is a violation of first amendment rights if the comments are not in violation of our ordinance. To keep comments on, he suggests that whomever is monitoring the page send a copy of the comment with a note of what section of the ordinance the comment violates so that they know why it was deleted. This would help to tell people what they are doing wrong and it creates a paper trail in case of a public records request. He wasn't sure if a change to the ordinance is needed.

Mr. DiNardo asked if there was an update to the city website generation. The Mayor said he doesn't have an update. The students who were working on it said that they are working on it, but things went awry with Covid 19 issues. The city hopes to have a product from them within the next week, but it won't be what they were hoping for. He hoped that the website would have been the main channel for communication instead of Facebook or that Facebook may be one directional and no comments.

Mr. Breadon wanted to disagree with some comments. He supports the Facebook page being used to put out information and supports nasty comments being deleted. Mr. Thompson asked if the Law Director would comment. The Law Director said that there is a policy and it should be followed. The city doesn't have the same rights with regards to running a page as an individual. The city can't just delete what they don't like. The more you can do to explain a process the less likely you are to aggravate people meaning that they are less likely to litigate. Mr. Breadon responded that he either didn't care about any of that or thought that we should get rid of the page. Mr. Bonsall asked if the Mayor had any thoughts on the matter. He said that he has never deleted comments nor has either of the administrators asked him about deleting comments. He thinks that this is more of a rumor. He doesn't think that Facebook is a forum, only an avenue to distribute information. There is no need for the city to get on the page and defend themselves from people who want to spew hate. The page is an informational page only controlled by the city and is not a discussion or forum. He looked at turning off the comments when they set up the page but wasn't able to. There was nothing for communicating when he became mayor. The city needs to be able to clearly communicate with the city. If people have questions, they can call city and talk to an administrative assistant who will send you to the right department. The city will not go back and forth with the haters. There are people who are disappointed, and they will always say you are wrong. The city can't let people like that stop the city from doing positive things. Mr. Thompson said he understands where the city comes from and appreciates the intent but notes that Facebook is a social platform and commenting occurs. When you have a social media account you are responsible for addressing the comments unless you turn off the commenting. He would never expect the city to reply to the comments, but several comments have been deleted. He just wants to stop a future problem. He has worked in this area for many years. Mr. Bonsall stated that another agency got in trouble for this recently and training occurred.

Mr. Bonsall noted that about this time of the year the council normally approves dates for city wide street sale. They are normally held in May and in the fall. It is clear that with the Covid 19 issues that one should not be held in May. This is done to encourage people to do sales about the same time as permits fees are waived. He is looking for suggestions on what council should do. Mr. Gabbard thinks that with restrictions being reduced, this is an outdoor event, people are wearing masks. Normally with the city-wide sale you still have to have a permit but no charge. He suggested that people don't even need permits but suggest that people monitor social distancing etc. people are cooped up and getting cabin fever. This would allow people to get out of their house. Mr. Geraci agrees. He thinks it would be ok if it is pushed out to the end of the month. Mr. Thompson couldn't disagree more. Doesn't think we should encourage people to go into people's yards and interact. The restrictions come with very detailed instructions including cleaning, taking temperatures and masks. This pandemic is not over magically on May 1 and doesn't think that we should be risking people's health. Mr. Kelsch suggested placing the issue in housing and public safety committee. Mr. Bonsall supports doing it for one day in the fall. He thinks doing it now is rushing it. He is okay with putting it into committee, but any ordinance would need to get to council sooner rather than later.

Mr. Bonsall heard from Mary C Miller from Norwood together. They are working with Norwood collective and the health department to give out fabric masks. If you need one you can call the health

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department at 458-2600. They are also working with baby bear to collect diapers for people who need them. You can reach out to baby bear if you would like to donate.

Waterworks working on a launch date for basketball courts. Mr. Kelsch said they are hoping to get that in June and will be hosting a 3 on 3 basketball tournament for the launch. They are also looking for grant money to help with the community center roof.

#### **Q) COMMUNICATIONS**

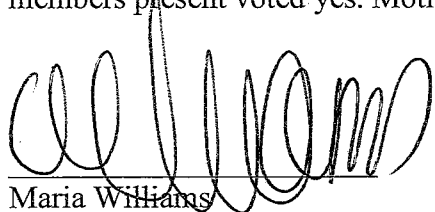
- 1) Letter from Mayor Schneider RE: Mayor's Court Fines (March 2020)  
The Clerk read the letter. On motion by Mr. Bonsall, seconded by Mr. Thompson, it was moved to receive and file the letter. Roll was called. All members present voted yes. Motion passed.
- 2) Letter from Auditor's Office RE: March Monthly Financial Report  
The Clerk read the letter. On motion by Mr. DiNardo, seconded by Mr. Kelsch, it was moved to receive and file the letter. Roll was called. All members present voted yes. Motion passed.
- 3) Letter from Keith Moore, Law Director RE: Merit increase for Assistant Law Director  
The Clerk read the letter. On motion by Mr. DiNardo, seconded by Mr. Thompson, it was moved to receive and file the letter. Mr. DiNardo noted that the letter laid out what the council needs to know. It was factored into the FRP. Mr. Garry goes above and beyond in his job. He thinks that council just needs to let the Mayor know that they approve the pay bump. Law Director thinks that council just needs to send a letter to the auditor saying that they approve the pay increase. Mr. DiNardo amended his motion to include sending copy of the letter to the auditor noting council's approval. Mr. Thompson also amended his second. Mr. Breadon thought that council had already discussed and approved the matter. The Mayor noted that the assistant law director is within the salary range, so he didn't get a bump with the prior ordinance. Mayor says that the Law Director is merely asking for a merit increase to recognize the employee for the great job he has done. This bump will still keep him in the salary range. Roll was called. All members present voted yes. Motion passed.
- 4) Letter from Safety Service Director RE: Permission to Advertise for Bids  
The Clerk read the letter. On motion by Mr. Geraci, seconded by Mr. Bonsall, it was moved to receive and file the letter. Roll was called. All members present voted yes. Motion passed.
- 5) Letter from Ken Miracle, President of Council RE: Report on Accounting Methods Letter  
The Clerk read the letter. On motion by Mr. Bonsall, seconded by Mr. Kelsch, it was moved to receive and file the letter. Roll was called. All members present voted yes. Motion passed.

#### **R) EXCUSE ABSENT MEMBER**

All members present.

#### **S) ADJOURNMENT**

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



Maria Williams  
Clerk of Council



Ken Miracle  
President of Council