



Norwood City Council Council Chambers May 24, 2011

A) CALL TO ORDER

The Council for the City of Norwood met in regular session on the above date with Ms. Jane Grote presiding. The meeting opened with a prayer and the Pledge of Allegiance.

B) PRAYER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

On the roll call, Mr. Moore, Mrs. Laake, Mr. Mumper, Mr. Gabbard, Mr. Sanker, and Mr. Schneider were present. Mr. Thornbury was absent.

E) AMENDMENT OF AGENDA

On a motion by Mrs. Laake, seconded by Mr. Mumper, it was moved to amend the agenda to add the Mayor's Report under Administration Reports, and to add as communication #3 a letter from the Mayor regarding appointments to the Tax Incentive Review Council. All members present voted, "Yes."

F) MINUTES OF PREVIOUS MEETING

Ms. Grote announced that there are typographical errors in the names on some of the minutes of which the Clerk of Council is aware and will correct. On a motion by Mrs. Laake, seconded by Mr. Schneider, it was moved to approve the minutes of March 16, 2011, April 14, 2011, and May 10, 2011 as if read. All members present voted, "Yes."

G) REQUESTS TO ADDRESS COUNCIL ON AGENDA ITEMS

There were none.

H) REPORTS OF STANDING COMMITTEES OF COUNCIL

1. Finance Committee RE: Claims of B. Thurman and S. Jallick
Mr. Schneider read the Finance Committee report regarding the claims of Brenda Thurman and Shane Jallick. Both claims were recommended to be denied. On a motion by Mr. Moore, seconded by Mr. Mumper, it was moved to accept the Finance Committee report. All members present voted, "Yes."

I) INTRODUCTORY READINGS OF ORDINANCES

1. ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT OF COOPERATION WITH HAMILTON COUNTY, OHIO PURSUANT TO PROVISIONS OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND DECLARING AN EMERGENCY.

On a motion by Mr. Moore, seconded by Mrs. Laake, it was moved to suspend the rules and have all three readings of the ordinance. Mrs. Laake asked the Mayor if it is correct to assume that once this ordinance passes, Council will have public hearings as to how it will be spent. The Mayor answered, "Yes." He said that in the past, the purchases made, such as the shelter house, have been useful. On the motion to suspend the rules and have all three readings of the ordinance, the motion passed, with all members present voting, "Yes." On a motion by Mr. Mumper, seconded by Mrs. Laake, it was moved to pass the ordinance. All members present voted, "Yes."

2. ORDINANCE TO CHANGE APPROPRIATIONS FOR THE YEAR 2011, AND DECLARING AN EMERGENCY.

Ms. Grote announced that she understood that there is a change to be made in the exhibit and asked Mr. Schneider to explain. Mr. Schneider stated that they're going to

change the exhibit to increase the amount of Fund 18, the FEMA Fund, to \$91,252.00. Ms. Grote clarified that this change in the exhibit is what Council is voting on tonight. Mr. Moore asked if a motion to amend was needed. Ms. Grote stated that exhibits can be changed back and forth without a motion to amend. She said we have substituted exhibits in the past; as long as everyone understands which exhibit we are voting on. On a motion by Mr. Schneider, seconded by Mrs. Laake, it was moved to suspend the rules and have all three readings of the ordinance. Mrs. Laake asked the Auditor if the increase in monies coming in indicate that we need to increase the Certificate of Estimated Resources. Mr. Stith said that changes to the general fund do not require that. He said that we would still be under the current certificate amount by about \$6,000.00. Mr. Stith said that there will be a change for the certificate for the FEMA Fund. A letter will be sent to the county to increase that. Mr. Moore said that he thought the appropriations ordinance tapped out every dime we had in the general fund. He said that he did not think we had another \$50,000.00 available. Mr. Stith said that there was about \$60,000.00 that was open and that was thought it would be used for separation pay. He said that he and the Finance Committee knew it would be coming up, but did not know the exact amount. The separation pay open was \$62,190.65, and he said he thinks the number they had open was \$67,000.00. But not knowing it exactly, here we are using \$62,000.00 of it. Mr. Moore asked where that \$66,000.00 was reflected in the permanent appropriations. Mr. Stith stated that it was not reflected. In the final appropriations decided on by Council after money was moved around, the exact amount in the budget was about \$67,000.00 less than the Certificate of Resources amount. He noted that if you add up the budget minus the Certificate of Resources you get that number. Mr. Schneider stated that he wants to discuss why the FEMA fund of \$56,000.00 was bumped up to \$91,252.00. More money came into the city after the Finance Committee met last week. We need to make this change so the city can use it. Mr. Schneider noted that looking at the subsidy for separation, the city departments realized they need to look at different ways to do things. We on finance hope the employees to continue to work on this. Times are tight, but there are times when we have some room to move things around. The postings change for ordinances is an example that saves money and is a good idea. He hopes we find more areas where we can find avenues to save. Mr. Schneider said he hopes he's proven wrong on his budget concerns. Looking at this in the Finance Committee made him feel more positive about the city's financial direction. With these changes, we continue to change things going forward. He noted that a good example is the Recreation Department that looked at things and said that they could cut back more. Mr. Sanker said that he would like to address Mr. Moore's comment. Mr. Sanker said he believed that Mr. Moore was saying that we had \$300,000.00 in separation pay in the appropriations, but what we put down on the Certificate of Resources was \$62,198.00 above what we passed in the appropriations ordinance. Mr. Sanker thinks that Mr. Moore was asking if appropriations were tight, where did we move that money from. Mr. Stith answered that the appropriations ordinance passed by Council was about \$67,000.00 less than the total certificate for the general fund. That allowed flexibility to make changes like this. Mr. Stith noted that it is tight and we're talking about a \$19.6 million budget total; this \$66,000.00 is not a big percentage of that. The budget passed was a little less than the certificate. He noted that when we discussed separation pay we didn't have an exact figure of those who are leaving. We may need to find areas to move into separation pay to increase it later if needed. The actual budget passed by Council was about \$67,000.00 less than the certificate. We can make adjustments and still be within the certificate and we can move money around as revenue increases. Mr. Moore said that as far as the general fund goes on these appropriations changes, the Civil Service Key is decreasing. Recreation money is not money coming out of that department. We can't do anything about separation pay; people have earned that during their career. This he feels overall is a positive thing. He remembers being in the Finance Committee meeting where the group was moving small amounts of funds around. He was surprised that we were not more exact there. We were moving numbers a lot smaller than these. But it is good news and nice that we don't have to cut. Mrs. Laake stated that the contractual key for the Health Department change is for the issuance of birth certificates. There have been more birth certificates issued this first quarter than in years past. The \$42,100.00 in contractual is good because it is a result of that. For everyone's knowledge, you can now go to any Health Department and get birth certificates no matter where the person was born. As

the word spreads, this will probably increase and she hopes more people will take advantage of it. Mr. Sanker asked the Auditor where the money goes that the Health Department gets paid for issuing birth certificates. He wanted to know if the money goes into the general fund or if it goes to a special fund to pay for the retrieval and issuance of the birth certificates. Mr. Sanker said that he is worried that if we appropriate the fee to the general fund and then owe the state later, there will be issues. Mr. Stith answered that it goes into its own key in the general fund associated with the Health Department. It was projected that it will bring in \$8,000.00 not knowing how it will go. Now, if we look at the monthly increase it looks like it will be closer to \$16,500.00 since we are doing more. The amount of money that has to be paid to the county or state quarterly to get the birth certificates has gone up. They are projecting their expense to be \$2,100.00 per quarter and revenue as \$16,500.00. Mr. Stith noted we cannot create a separate fund for it. Under budgetary law in Ohio, a separate fund can only be created if a revenue source has a restriction on its use as determined by the source of the revenue. He said that for example, on a grant for a specific use, you have to use a separate fund. You cannot mix it with the general fund. Revenue sources that come into the city have to go into the general fund and each one has a separate key. Mrs. Laake stated that while citizens may pay \$25.00 for a birth certificate, the state gets most of that money. The local department gets only about \$2.50. Those fees are a funding stream for many state projects. The state will get most of that money, but it's a lot nicer to come to Norwood to get one. On the motion to suspend the rules and have all three readings of the ordinance, the motion passed with all members present voting, "Yes." On a motion by Mrs. Laake, seconded by Mr. Schneider, it was moved to pass the ordinance. All members present voted, "Yes."

J) ADMINISTRATION REPORTS

1. Auditor's Report

RE: Financial Issues Concerning the City

Mr. Stith informed Council that his office is watching the city's cash flow to make sure we have enough money to pay the bills. His priority is to meet payroll. Historically, May, June and July are slim months financially. In April, with taxes, the carryover was \$400,000.00. That money was used to fill holes in the month of May. The Auditor has been meeting regularly with the Mayor and the department heads to show them what is spent in their departments.

Mr. Stith said he wanted to address council regarding the Early Retirement Incentive (ERI) program; he first discussed the issue in December. He noted that the city does not have one on file. A letter needs to come from Council and that is based on the ordinance passed by Council. In the past, it was a joint letter written by the Safety-Service Director and signed by the Auditor and the President of Council. There has been a lot of confusion and the method varies between city and state. This year we have more people coming up for retirement that are eligible. Mr. Stith noted we still have an ordinance that says we are participating in the plan. The city needs to write a letter that says we are extending it or eliminating it. Mr. Moore stated that we have people that are preparing to retire that will be eligible for the ERI. He asked if there is a difference in eligibility between the city's plan and the state's plan. He asked if they would be more payout involved under the state plan with a difference between the total three years versus up to three years. Mr. Stith answered that there is one person eligible for three who would not go past the 30 years. There is another person coming up that he's not sure if the plan would make them go past 30 years. One person has come to him and is asking about it. The problem is that we have a contract and the intention of the city was not to exceed 30 years. He noted that the state says you can't make that choice; it is three years or nothing. So if they retire at 31 years, they get 34. Mr. Stith said that he's not comfortable signing something to extend for three years unless Council is clear on that. He said that we have a contract passed by ordinance that says we're not doing that. Mr. Moore stated that he thought his next question was raised before but he wants to find out if the city can buy extra time for those who retire without setting up the program. Mr. Stith said that this is a question for PERS. Mrs. Laake said that we usually have to renew that ERI for three years. She asked if it was possible to renew it until the end of 2011 since the union contracts end then. She feels that anyone who is eligible through a contract will no longer be eligible after the contracts expire. She asked if we can go to OPERS and ask them to extend the ERI to the end of the year. Mr. Stith answered that he is looking at old extension letters. The letters reflect that there are times when it was extended for six months and another time for one year. He is

assuming then that it is OK to do it. If we do a plan that extends to the end of 2011, Council could drop it by ordinance at that point. Mr. Mumper asked Mr. Stith where we would get the money to pay this. Mr. Stith answered that we would have to look at the budget and make a cut from other areas. We have an ordinance that says we're going to pay it. If you change it, you have to give 30 days written notice to the employees. He noted that the city will need to find the separation pay and cut something else. Council establishes the budget so it is Council's job. Mr. Sanker asked Mr. Stith how this will affect contracts with union 3278. He stated that he understood that it would only be in effect for those who are members of the bargaining unit. If someone was not in the bargaining unit, it would not affect them. Mr. Stith stated that it would affect the appointed people because they get the same rights and benefits as those in the bargaining units. So appointees have the same benefits as employees in the bargaining unit. Mrs. Laake stated that it is set in an ordinance that says that appointed people get the same benefits as employees in union 3278. People who retired are, by ordinance, entitled to it. On a motion by Mr. Mumper, seconded by Mr. Moore, it was moved to put the discussion on the ERI into the Finance Committee. Mr. Schneider stated that he would rather see it going into the Committee of the Whole because it will take all of Council to agree on it. Mr. Mumper agreed to amend his motion to put the issue into the Committee of the Whole. Mr. Moore amended his second. Mr. Moore stated that before the Committee of the Whole meeting, he would like to have information about whether the city can buy time for people and find out what will happen if we don't. On the motion to put the issue of the ERI into the Committee of the Whole, the motion passed with all members present voting, "Yes."

Mr. Mumper asked Mr. Stith where we stand on the Rumpke bills. Mr. Stith answered that his office keeps track of that. The information has been provided to the Mayor and the Safety-Service Director. To date, we have paid the February bill. We still need to pay March and April, and have not yet received the May bill which will come at the end of the month. When January and February were paid, there was \$54,000.00 left in the fund. Our bill is around \$122,000.00 per month. Because we pay in arrears, we have talked to Rumpke about making partial payments. Mr. Stith noted there was an increase in fees at the end of last year. We're just now beginning to see the increase in revenue from the fee increase. Mrs. Laake asked where the increase in fees came from. She asked if it was from an automatic escalator in the contract. Mr. Stith answered that the Safety-Service Director changes the garbage fees. In September or October an increase of 7.5% was discussed. The letter came from the Safety-Service Director to Council. Ms. Grote asked if the increase is in what the city charges the citizens or what Rumpke charges the city. Mr. Stith answered that the increase in fees is what city charges the citizens. In January, 2010, there was a big increase from Rumpke which was passed along to the citizens. Mrs. Laake asked if the increase in fees was a contractual increase as she does not recall any contract being renewed. Mr. Stith said to ask the Safety-Service Director about it as he would know the details.

2. Mayor's Report

RE: Miscellaneous Business

The Mayor announced that Waterworks pool had a new pump installed and the pool is filled. They will start testing the pump tomorrow. A new water heater has also been installed. It is an instantaneous heater. There were new energy efficient lights installed in the Community Center.

The new paramedic unit was delivered last week. The paramedics have been spending time familiarizing themselves with it. There is new technology on this vehicle, so they bought an extended maintenance agreement which they think was a wise move.

The Public Works Department has been working hard to keep up on grass cutting during all the rain we've been having. They were told if the baseball fields can support the weight of the mowers without damaging them to go ahead and mow. They have done a good job keeping up on the fields.

The Mayor wanted to remind the citizens of the Memorial Day service at 1:00 PM. The service is to honor those who have served in combat or serve today and those who have lost their lives. During all the issues of life, there are those who defend us still.

The Mayor also mentioned that last night's storms he hears that people think weathermen make people panic. He asked that citizens stay alert to the weather. Mrs. Laake stated that someone who lives on Moeller Ave. told her that they never heard the sirens. She noted that she and the Mayor had talked about the location of the siren. The Mayor stated that the discussion had not been finalized. The emergency department in

Hamilton County is talking about moving the siren from the Salvation Army and possibly putting it on top of City Hall. Mr. Mumper asked if there had ever been a siren on City Hall. The Mayor answered no, it has always been on the Salvation Army. At one time it did not rotate properly. The Fire Chief had been notified of possible move of the siren.

L) OTHER REQUESTS TO ADDRESS COUNCIL

Mr. Al Boehme of 2052 Elm Avenue came to talk about property on the corner of Section Avenue and Elm Avenue. The owner of the property is David Holder. Mr. Boehme said that he does maintenance for Mr. Holder. He redid the electric, but then the building sat vacant for a while. During that time, because of Mr. Holder being ill, citizens helped redo the building on the outside. There is now a new proprietor of the store. His name is Mr. Ash. He called Mr. Boehme because he was improving his refrigeration and needed help with the electric. Mr. Ash does not have a liquor license. Mr. Holder asked for Mr. Boehme's assistance. Mr. Boehme stated that he was there to promote Mr. Holder and his building. He would like to see the store stay open. The owner is asking for guidance to get a liquor license.

M) UNFINISHED BUSINESS

There was none.

N) NEW BUSINESS

There was none.

O) COMMUNICATIONS

1. Letter from the Division of Liquor Control RE: Transfer of Ownership of Ramco 2.

Mr. Schneider moved to receive and file the letter with no objections pending corrections of the property maintenance issues. Ms. Grote asked for clarification from Mr. Schneider to clarify if he was asking to file an objection as we have a deadline of June 3 to the state. Mr. Schneider stated that he would say yes, but would like Mr. Kiser's guidance on this. Mr. Kiser stated that his recommendation is to ask for a hearing because this usually results in compliance. The Building Department will tell the law department if they comply. On a motion by Mr. Schneider, seconded by Mr. Mumper, it was moved to receive and file the letter and to file an objection with the Division of Liquor Control. All members present voted, "Yes."

Ms. Grote stated that this is not the property that Mr. Boehme was discussing earlier. This is a different property.

2. Letter from Division of Liquor Control RE: Transfer of Ownership of Bronte Café

Ms. Grote stated that as a result of bankruptcy, the café and bookstore were transferred to a new owner. On a motion by Mrs. Laake, seconded by Mr. Schneider, it was moved to receive and file the letter with no objections. All members present voted, "Yes"

3. Letter from the Mayor RE: Appointments to Tax Incentive Review Council

On a motion by Mrs. Laake, seconded by Mr. Mumper, it was moved to receive and file the letter and to accept the appointments. All members present voted, "Yes."

P) EXCUSE ABSENT MEMBERS

On a motion by Mrs. Laake, seconded by Mr. Schneider, it was moved to excuse the absence of Mr. Thornbury. Mrs. Laake stated that she received an e-mail about Mr. Thornbury's absence. On the motion to excuse Mr. Thornbury from the meeting, all members present voted, "Yes."

Q) ADJOURNMENT

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

Casey Brown

Jane M. Grote

Casey Brown
Clerk of Council

Jane M. Grote
President of Council

***Approved by council and signed as above on June 28, 2011.**

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