



Norwood City Council Council Chambers June 28, 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 roll call, Mr. Moore, Mr. Thornbury, Mrs. Laake, Mr. Gabbard, Mr. Sanker, and Mr. Schneider were present. Mr. Mumper was absent.

E) AMENDMENT OF AGENDA

On a motion by Mrs. Laake, seconded by Mr. Thornbury, it was moved to amend the agenda as follows:

1. Add as ordinance # 3 ORDINANCE AUTHORIZING THE CITY OF NORWOOD TO FILE AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION FUND AND DECLARING AN EMERGENCY.

2. Add as ordinance # 4 ORDINANCE CREATING AND ESTABLISHING THE CORF FUND, AND DECLARING AN EMERGENCY.

3. Add as ordinance # five AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE AND TO ENTER INTO CONTRACTS FOR PROFESSIONAL SERVICES FOR WORK AT 4935 SECTION AVENUE SPECIFIED IN THE CLEAN OHIO ASSISTANCE FUND GRANT AND POTENTIAL CLEAN OHIO REVITALIZATION FUND AND DECLARING AN EMERGENCY.

4. Add as ordinance # 6 ORDINANCE APPROVING AN EARLY RETIREMENT INCENTIVE PLAN FOR CITY OF NORWOOD EMPLOYEES.

5. As introductory resolution # 2 after ordinances, the RESOLUTION IN SUPPORT OF THE CLEAN OHIO REVITALIZATION FUND (CORF) PROJECT LOCATED AT 4935 SECTION ROAD WHICH WILL INCORPORATE MATERIALS AND METHODOLOGIES THAT MAXIMIZE ECONOMIC AND ENVIRONMENTAL PERFORMANCE FOR THE CONSTRUCTION.

It was also noted that there is a new exhibit A for the appropriations ordinance that council will consider. Mrs. Laake stated that she is wondering what happened to the executive summary forms for these ordinances. She said that she is aware that they are last minute ordinances but it would be helpful for explaining what they are. She requested that in future the executive summaries be submitted for council's consideration. On the motion to amend the agenda as stated all members present voted, "Yes."

F) MINUTES OF PREVIOUS MEETING

On a motion by Mr. Moore, seconded by Mr. Schneider, it was moved to approve the minutes from May 24, 2011 as if read. All members present voted, "Yes."

G) PUBLIC HEARING FOR THE 2012 TAX BUDGET

Ms. Grote opened the public hearing. The purpose is to hear citizen comments on the resolution for the tax budget. She asked anyone who wish to comment about the 2012 tax budget to please step forward at this time.

Mrs. Wehmeyer of 4241 Allison Avenue approached to speak. Mrs. Wehmeyer stated that she's concerned about us sending a budget that is short \$1 million. She said she cannot remember doing this before. She has to have assets to pay expenses for her home budget. The city can't make more money like the Feds, we can only ask for it from the

people. Prior to this the City passed a garbage fee. People were receptive to helping the city then, but we have kicked that can as far as it can go. She believes the city is still under fiscal watch. We have to cut expenses one way or the other. She heard that 6000 people go to the Service League for help and many people don't have secure jobs or any job.

Mrs. Grote made an additional call for anyone wishing to speak.

No one came forward so Ms. Grote announced that since no one else wished to speak the public hearing was closed.

Council then considered Resolution #1.

1. RESOLUTION ADOPTING THE 2012 TAX BUDGET

On a motion by Mr. Schneider, seconded by Mr. Thornbury, it was moved to suspend the rules and have all three readings of the resolution. Mrs. Laake wanted to point out some items on page 3 of the exhibit. She noted that Mr. Stith has estimated that in 2012 our local government funds will drop from \$650,000.00 to 487,500 based on the budget passed by the state. TPP money is down. The \$10,000.00 budgeted for estate tax will be gone. Mrs. Laake said we don't have control over those things. She shares Mrs. Wehmeyer's concern. We have kicked the can down the road and she hopes we can increase our revenue. Mr. Moore stated that Mrs. Wehmeyer is correct in stating that as long as he has been on council we have not sent down a tax budget like this with a deficit. In the years 2001-2006, we sent down the resolution for the tax budget that showed we were going to balance but that we also did not expect to balance at that time, and we had to spend time on cuts before the final appropriations. We have gone through lots of bad years and expect worse. There is a plus to this that we expect a shortfall and the Finance Committee is working on it and we're planning and thinking of options. Mr. Moore said that he's in favor of doing it this way because this is where we stand right now. On the motion to suspend the rules and have all three readings, all members present voted, "Yes." On a motion by Mrs. Laake, seconded by Mr. Thornbury, it was moved to pass the resolution. All members present voted, "Yes."

H) REQUEST TO ADDRESS COUNCIL ON AGENDA ITEMS

1. Margret Wehmeyer regarding the CRA for The Urology Group. See Introductory Readings of Ordinances #1.

I) REPORTS OF STANDING COMMITTEES OF COUNCIL

1. Finance Committee RE: Changes in Appropriations

Mr. Schneider read the committee report from Finance Committee meeting on June 21, 2011 to change appropriations, which recommended that \$692.00 be moved from unemployment compensation to cover the Health Department contractual key and that the exhibit "A" provided tonight to increase and decrease appropriations be passed at the council meeting. On a motion by Mr. Moore, seconded by Mr. Thornbury, it was moved to accept the committee report. Mr. Schneider stated that in the Finance Committee meeting they received a letter from the Health Department requesting \$692.00 be put in their contractual key to pay the state their portion of the \$1980.00 collected for pool fees, but you will see later on in the appropriations ordinance it is a little higher at \$765.00. The timing between receiving the letter and the purchase order received made it different. On the motion to accept the committee report, all members present voted, "Yes"

J) INTRODUCTORY READINGS OF ORDINANCES

Mrs. Wehmeyer requested to address Council on the CRA ordinance. She's not opposed to development; she just wants to know what we're getting into. She said that we have an existing tax ordinance that if we give more than 49% tax abatement they have to come to council. This is 100% tax abatement so they had to go to the school board too. The Urology Group made a deal with the schools and the schools are getting \$96,000.00 from them during the term of abatement. They have about 213 employees with her estimate of \$196,000.00 in earnings tax. They're going to add people in the 48 months after commencement of construction. It says there will be 5 extended fulltime and 3 part-time new jobs. She doesn't know what we would get in property taxes. She stated that her taxes went up and noted this is fifteen year 100% tax abatement. She thinks this

will be extended. She is not opposed to development and jobs but she wants us to think about giving 100% abatement. She said she doesn't think every company that comes in should get a tax abatement.

Council then considered Ordinance #1.

1. AN ORDINANCE AUTHORIZING THE MAYOR AND SAFETY-SERVICE DIRECTOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH UROLOGY GROUP REAL ESTATE HOLDING COMPANY, LLC AND DECLARING AN EMERGENCY.

On a motion by Mr. Moore, seconded by Mr. Schneider, it was moved to suspend the rules and have all three readings of the ordinance. Ms. Grote announced that people with The Urology Group are present. Mr. Moore stated that The Urology Group is in Norwood now, but space is limiting their growth. This CRA helps them build the facility they need. They bring in patients from hundreds of miles away, and this will expand their practice and raise their profile. To have them in a great facility is reflective of what they do. He noted that they bring a lot of people into Norwood. The location is a benefit to them and to Norwood. Mr. Moore felt that giving someone a break on city property tax is not a lot. Mrs. Laake stated that they have a \$10 million payroll with \$200,000.00 in payroll tax to the city, plus the prestige of having them here. They helped bring other medical groups into the city with their original investment. The schools get \$95,000.00 to make them whole and we can't afford to lose them as corporate citizens, especially their earnings tax. Mr. Sanker stated that he believes we should move forward on this. Our past discussions with them indicate this. He then asked if the Mayor had any comments. The Mayor stated that they have a \$19 million investment by The Urology Group in the new building. As far as CRA's, this is intended to help with competition for businesses. When you can attract a business like them and they stay here it is a good business practice. Tax incentives are not unusual and will happen more in the future. We have to consider this and we can't wait for it to happen. They are the largest practice of their kind in the country that is Physician owned and operated. He stated that he thinks we are all in agreement on this. On the motion to suspend the rules and have all three readings, all members present voted, "Yes." On a motion by Mrs. Laake, seconded by Mr Sanker, 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.

On a motion by Mr. Schneider, seconded by Mr. Thornbury, it was moved to suspend the rules and have all three readings. Mr. Schneider stated that there is an amended exhibit "A" passed out to be substituted for the exhibit that was sent home in the packets. The Health Administration difference is for state fees associated with birth and death certificates. It has been hard for The Health Commissioner to estimate those fees. The change of Building Department refunds is due to an increase in that. We are working under the same scenario to take from one to give to another to find funds. They took money out of Unemployment Compensation and changed funding for Recreation. A check came in after the Finance Committee met, so we are making changes so the Safety-Service Director can start using it. He asked Mr. Stith if he had anything to add. Mr. Stith stated that Mr. Schneider had covered at all. On the motion to suspend the rules and have all three readings of the ordinance, all members present voted, "Yes." On a motion by Mr. Schneider, seconded by Mr. Thornbury, it was moved to pass the ordinance. Mr. Schneider stated that in the Finance Committee meeting Mr. Stith made it clear that the Auditor and the Mayor are working together to get us through this year. They are both committed to that. The Finance Committee will continue to meet to work through these issues. They will look at expenditures at the next meeting, as we will be 6 months through the year and will analyze the budget and are hoping for input from others. It is important to do that 6 month review to see what wiggle room we have at this point. Mr. Schneider noted that he appreciates the work of the Mayor and the Auditor. He announced that the next financial meeting will be on July 19, 2011 at 7:30 PM in Council Chambers. On the motion to pass the ordinance, all members present voted, "Yes."

3. ORDINANCE AUTHORIZING THE CITY OF NORWOOD TO FILE AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION FUND AND DECLARING AN EMERGENCY

On a motion by Mrs. Laake, seconded by Mr. Moore, it was moved to suspend the rules and have all three readings. Mrs. Laake stated this that this is for the old IBEW site. This allows us to apply for money in a resolution that we will consider later and she hopes will give us extra points for LEED certification. Mrs. Laake stated that she has a question about the ordinance. She stated that in section 5 it talks about a local match being provided. Her question is how much that is and where will come from. Mr. Kiser said that he and Chris Brown discussed that section. The answer is that we're not, as a city, paying for that. He then deferred the question to Mr. Stoker for further information. Mr. Stoker stated that the money will come from the developer not the city. Mrs. Laake asked to clarify if that was still the IBEW property. Mr. Stoker answered, "Yes." Mr. Moore asked Mr. Stoker if he could walk us through where we are on the phases. Mr. Stoker stated that the Norco facility has already applied for CORF funds for phase 2 which is complete. What we did on the union hall property, the phase 1 is almost complete. CORF funds will help mitigate items in the soil. We do not know the exact cost of that, but we should know in the next month and we will submit it to the state. On the motion to suspend the rules and have all three readings of the ordinance, all members present voted, "Yes." On a motion by Mrs. Laake, seconded by Mr. Thornbury, it was moved to pass the ordinance. All members present voted, "Yes."

4. ORDINANCE CREATING AND ESTABLISHING THE CORF FUND AND DECLARING AN EMERGENCY.

On a motion by Mrs. Laake, seconded by Mr. Moore, it was moved to suspend the rules and have all three readings of the ordinance. Mrs. Laake stated that this is on the Norco property. She said that we have already received funds so we need to establish the fund in our books to appropriate for the work. Mr. Schneider stated that we have run into this before. This is called the CORF fund. He asked Mr. Stith if we are using this for Norco and looking for funds for IBEW also, how will we differentiate that in the books. Mr. Stith stated that we would have to find out first if we can create two separate keys, or conversely create a CORF fund #2. Creating two keys would be easier, but they have to look into what the restrictions from the state are on a revenue source as that determines if it is in a separate fund or key. Mr. Schneider stated that his concern is to do whatever is most transparent for the finance committee to follow. He asked if we could call it the Norco CORF fund. Ms. Grote asked if he is amending the ordinance. Mr. Schneider stated that he thinks he can ask Jim to do that without that motion. On the motion to suspend the rules and have all three readings of the ordinance, all members present voted, "Yes." On a motion by Mrs. Laake, seconded by Mr. Schneider, it was moved to pass the ordinance. All members present voted, "Yes."

5. AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE AND TO ENTER INTO CONTRACTS FOR PROFESSIONAL SERVICES TO PERFORM WORK AT 4935 SECTION AVENUE, SPECIFIED IN THE CLEAN OHIO ASSISTANCE FUND GRANT AND POTENTIAL CLEAN OHIO REVITALIZATION FUND AND DECLARING AN EMERGENCY.

On a motion by Mrs. Laake, seconded by Mr. Moore, it was moved to suspend the rules and have all three readings of the ordinance. Mrs. Laake stated that this ordinance is for the IBEW property. This is money we already have that is in the Clean Ohio Assistance Fund Grant and will fund an environmental study. This is grant money to advertise for bids to get the work done. On the motion to suspend the rules and have all three readings of the ordinance, all members present voted, "Yes." On a motion by Mr. Schneider, seconded by Mr. Thornbury, it was moved to pass the ordinance. All members present voted, "Yes."

6. ORDINANCE APPROVING AN EARLY RETIREMENT INCENTIVE PLAN FOR CITY FOR NORWOOD EMPLOYEES.

On a motion by Mrs. Laake, seconded by Mr. Schneider, it was moved to suspend the rules and have all three readings of the ordinance. Mrs. Laake stated that this ordinance follows a Committee of the Whole meeting. There have been many calls to PERS. At the last meeting, she noted that Mr. Stith was asked to call and she was told that PERS said to download the manual. Mrs. Laake said that she would like to point out a few things. We have to provide 30 days notice of termination of an Early Retirement

Incentive Plan, but it was never done. She noted that last year, Mr. Stith made us aware of this. There is a current contract with the unions that requires us to have it through the end of this year. Someone who just retired is caught in the middle. There is also another union employee who is retiring as well. She is not sure if PERS will accept that we can backdate a plan. Mrs. Laake feels we can argue that we didn't cancel it and we'll have that in effect for a year. She stated that she did forward the information on it to Council. Mr. Moore asked Mr. Kiser if, other than the plan commencement date is there any difference to what is on the Norwood books. Mr. Kiser stated that the language in the contract is different. But the ordinance passed previously is not different. He noted that Council is authorizing renewal of the plan. Mr. Kiser noted that OPERS has said that they would accept it if the President of Council and the Auditor renewed the plan and send it up as a piece of paper but he thinks that has issues as it appropriates money without Council's approval. We would agree with OPERS that an ordinance authorizing renewal of the plan would then work. He stated that it gives us an opportunity to attach the plan. We have a plan attached that conforms to what OPERS wants. It is more than what is promised in the contracts. Mr. Moore asked if the ordinance passed in 1997 had an end date. Mr. Kiser stated that he does not believe that it did. He noted that the thirty days notice is not a new thing to us. The "in-effect" date of 60 days later is in the manual but not in the revised code. He stated that he is not sure where the rules come from and when they were decided on. He does not know of a legal reason that they are saying they will not accept this. We are not passing something illegal. Mr. Moore stated that he does not understand the purpose of this. We have this on the books except for the dates. What we passed did not have an end date, so he is at a loss as to how it does anything different. Mr. Kiser stated that OPERS said we did not renew it; therefore they are not honoring it. OPERS is saying we need to renew it. In his opinion, he thinks Council needs to vote to renew the plan and that the signature of the President of Council and the Auditor are valid only if Council votes to renew the plan. Mr. Moore stated that even if OPERS says Council doesn't have to pass anything, would this give us the ability to send up the letter renewing it. He asked if we're legally obligated to renew the plan. Mr. Kiser stated that under OPERS we are not obligated to renew the plan. However we have contracts that promise this benefit. This is the only plan OPERS will accept. As far as we're concerned, we never canceled the plan, as we never gave 30 days notice. The plan was always there, but they are saying they wanted us to renew it. Mrs. Laake asked Mr. Kiser a question about exhibit "A" under # 4. She asked if that date should be January 01, 2011. Mr. Kiser answered that it should. We had two versions of it. Ms. Grote stated that we can change the typographical error in section 4. b) to read January 01, 2011. She stated that we do not need to amend the motion unless the Law Director thinks otherwise. Mr. Kiser agreed to that. Mr. Sanker asked if this will supersede the old ordinance. Mr. Kiser answered that it will. Mr. Sanker said that they told us that ERI's are not retroactive and that is why those initial dates are in there. Mr. Kiser stated that that is why that was put in there. Originally there were two different versions of the ERI plan prepared; one for September and one for January. Mrs. Laake said that she thinks this is the way to go as it coincides with the contracts. If we pass this we have argument to make that we never canceled the plan. This does not take us past this year. Mr. Sanker said that doing it 60 days after that September date coincides with the contract. Mrs. Laake stated that the plan has to be for a minimum of one year so it does coincide with the contracts. Mr. Moore stated that based on what we have paid in the past this could be hundreds of thousands of dollars. He asked Mr. Kiser if this is something we are required to do under contract. Mr. Kiser said that we agreed in the union contracts to provide the benefit. This question is tricky in that what the state provides is different and more generous than this plan. We made a promise that we ought to keep. The question becomes what the courts could require us to do. The state plan is more generous than the plan agreed to in the contract. Mr. Kiser does not want to speculate on what might happen. Mr. Moore said that he has a problem because looking ahead we might have to consider what we have to eliminate to cover this cost without it being a requirement. He stated that he is not ready to do all three readings. Mr. Schneider stated that we have provided this benefit for many years to employees. To say we're going to reevaluate is a moot point. He thinks it is ethically wrong to drop it. It is a change we should discuss and take effect when union contracts are discussed for renewal. We are saying we should not do this when we have done it for years. He believes precedence applies here. If the contract changes on January 1st then so be it and it may be removed then. We are saying if you

retire before the end of the year someone might not get this. It is wrong to not pass it and send it to OPERS to give the benefit to those who can retire. If we don't make it right we're doing a disservice to the city employees. Mrs. Laake stated that she thinks we have a contractual obligation as well. We have an ordinance that says that appointed employees get the same benefits as union #3278. If you want to give it contingent to terminate December 31, 2011 then on November 30th you give the 30 days notice and she is fine with that. But they have a contract until the end of the year. She encourages council to pass this tonight so we can give 30 days notice on November 30th that it will be canceled. We need to legally cover those who retire. Mr. Moore stated that the Auditor and the President of Council are free to send the letter today and OPERS has said they would accept that. Mrs. Laake said that Mr. Kiser said it is not legal because it appropriates funds, and the Auditor and the President of Council do not have the legal ability for appropriation of funds. Mr. Schneider asked Mr. Kiser if the Auditor and the Council President signed such a letter, would they be in legal trouble. Mr. Kiser said that he does not see how, constitutionally, someone can bypass the legislative body and appropriate money without Council authorization. The plan expired and it needs to be renewed. OPERS will accept that letter if it is sent. If they send such a letter it will be in effect 60 days after receipt so it will go past the current contract dates. That is the problem that this version of the ordinance is trying to avoid so that it does not go beyond next period. That is his view as a lawyer. Mrs. Laake addressed Mr. Kiser saying that no matter what we negotiate in the contracts if someone retired between now and September 2012 they would get that benefit despite it not being in the contract. Mr. Kiser asked for clarification. Mrs. Laake stated that no matter what we negotiate in the bargaining contract, if we could negotiate that to not be a part of a new contract, then if someone retired between now and September 01, 2012 they would get that benefit despite it not being in the contract. Mr. Kiser stated that that is what OPERS has indicated to us. We're not sure of their authority in the manual and it is not in the ORC, but they had given us a verbal opinion on that. Mr. Moore asked Mr. Kiser if we attach this new plan with the date, will they ignore the date of the letter. He asked if the only thing that will matter will be in the agreement and not in the letter. Mr. Kiser stated that what OPERS has said is that they would not accept the plan unless it provided it started 30 days later. They said they would not accept what we have in front of us now. He's not sure that this is true though and he doesn't know their legal authority. We have a plan on file with them that they say has run their term but notices were never sent. Mr. Schneider addressed the Auditor. Mr. Schneider stated that Mr. Stith brought this problem up a while ago. He thinks that the President of Council and the Auditor have sent this letter in the past. He asked why we wouldn't continue that. Mr. Stith stated that he first approached Council with this on June 30, 2010. It was also discussed prior to that. It was said that the three year buyout was not in the contract. Council discussed it but not sure of OPERS opinions. Then OPERS said it had to be three years. Mr. Stith said he was not willing to extend the plan with it being unclear. He does not know who initiates this letter, but past letters have been on letterhead from Mr. Geers. Who initiates this is unknown. He thinks it is not a unilateral decision and that it is up to us as a city to decide this. OPERS says that it can't be one, two or three years. OPERS also said it cannot be postdated to January 1st, but when an employee goes to meet with them in March they say that they can apply it for them if Council postdates it. OPERS said to his office that we need a letter saying it is good to January 1st, but the Law Department calls OPERS and they say no to that. When my office called the controller to get an opinion we were told to look at the online manual. Nothing in ORC says you cannot post date it. We have two different opinions from them when saying that you can and the other saying that you cannot postdate it. There is an employee who was told by OPERS that the city can postdate it. We need clarity on the subject and we need clarity from Council on this. Mr. Stith reiterated that he does not know who originates this renewal. He's not comfortable to go against what is not clearly the will of Council to make it a three year plan. Mr. Schneider stated that if we pass this ordinance tonight, there would be a letter from the Auditor with the President of Council's signature saying that it is in effect. Mr. Stith requested the letter come from the Clerk of Council or the Safety-Service Director. It needs both a CFO and the President of Council signatures. Once this gets filed with the date of January 1, he can call and say that according to his own ordinance and contracts it is the desire of the city to do this. We want them covered and nothing in the ORC says that it can't be covered. We can't make those arguments until we have something passed and the letter sent. Mrs. Laake stated

that on page 21 of the manual it says that once in the ERI is adopted the President of Council and the Auditor sign the letter. Mr. Schneider said that if that is the standard of other cities in the state does Mr. Kiser think the letter is a legal. Mr. Kiser stated that the manual says adopting not renewing. The letters have been sent and OPERS is getting a letter without a plan or ordinance. They may assume we passed an ordinance and he thinks council needs to authorize adoption of the plan. Mr. Schneider stated that if we pass this tonight we will have unfinished business for this when the city will opt out. He asked if this will continue in Committee of the Whole as a discussion. Mrs. Laake stated that it has already been reported out from the committee. Based on the information from the Law Department, she asked this ordinance to be done for discussion. She would be happy to make a motion that on November 30, 2011 we give 30 days notice to the employees. Mr. Sanker stated that it is something that is in the contract we may want to use it to negotiate. The contract is still in effect until we negotiate a new one. If we randomly take it out, it would be a detriment. Mrs. Laake stated that that was a good point, and she was only offering this point to work it out. If by the end of the year we don't have a new contract, we can do for few months what we redo a contract. On the motion to suspend the rules and have all three readings of the ordinance, the motion failed with Mr. Thornbury, Mrs. Laake, Mr. Gabbard, Mr. Sanker and Mr. Schneider voting, "Yes," and Mr. Moore voting, "No." Ms. Grote noted the motion required six votes in order to pass. On a motion by Mrs. Laake, seconded by Mr. Thornbury, it was moved to suspend the rules and have a first and second reading of the ordinance. Mrs. Laake stated that this will provide more time for Mr. Moore to get answers to his questions. On the motion to suspend the rules and have the first and second readings of the ordinance, all members present voted, "Yes."

INTRODUCTORY READINGS OF RESOLUTIONS

2. RESOLUTION IN SUPPORT OF A CLEAN OHIO REVITALIZATION FUND (CORF) PROJECT LOCATED AT 4935 SECTION ROAD WHICH WILL INCORPORATE MATERIALS AND METHODOLOGIES THAT MAXIMIZE ECONOMIC AND ENVIRONMENTAL PERFORMANCE FOR SUSTAINABLE DESIGNED PRACTICES IN ALL PUBLIC AND PRIVATE NEW CONSTRUCTION.

On a motion by Mrs. Laake, seconded by Mr. Moore, it was moved to suspend the rules and have all three readings of the resolution. Mrs. Laake stated that this resolution goes with the previous ordinance to get LEED certified and to possibly get more money. On the motion to suspend the rules and have all three readings of the resolution, all members present voted, "Yes." On a motion by Mr. Moore, seconded by Mr. Schneider, it was moved to pass the resolution. All members present voted, "Yes."

Mr. Thornbury asked to be excused for a family matter. Ms. Grote excused him.

K) ADMINISTRATION REPORTS

1. Auditors Report RE: City Finances

Mr. Stith said that later in the agenda there is a letter from the Tax Commissioner regarding earnings tax. For the year-to-date at the end of May, earnings tax was down under the predicted amount. He and the Mayor have been working on cash flow issues. Mr. Stith noted the city is keeping the certificate at \$19.6 million. We are \$7,500.00 under the certificate right now. The close out of June allows us to look at expenditures department by department. There will be a big meeting for the Finance Committee. They will evaluate if they can change the Certificate of Resources up a bit. So far the certificate should not have to be adjusted down. Mrs. Laake asked if there is some figure after six months that you, can't expend to a certain amount and what is it. Mr. Stith said it is for payroll and it is 6/10 of the payroll keys by June 30. That action would break the ORC for budgetary law. It will take some adjustments to that for comp time and holiday bonuses which don't count.

2. Mayors Report RE: Miscellaneous Business

The Mayor reported that he would like to hire four police officers. It has been delayed several times. We finally got to a point where they had to move. We brought in three new officers and will swear them in on June 30. One officer is very active in community policing and is very excited to be here. Another gave up a management

position to be a certified officer. The Police department vetted these individuals and they're happy with them. We could not hold off any longer.

We have two new businesses coming into Norwood. The first is called Lifestyle Lift and is opening on August 15th. They do cosmetic surgery. The second is Chase Bank which is opening a facility in Linden Pointe for mortgages. We continue to talk to businesses. We have to compete and give tax incentives because if we don't someone else will. He thinks Council is doing a good job and working together and projecting a positive attitude.

We have looked at grants from ODOT. ODOT has been replacing traffic signals which are LED signals. We requested new ones that are free. Mr. Geers thinks we can take out old incandescent lights and replace them with the LED lights.

The Mayor stated he met with two representatives from Jean Schmidt's office. He showed them the Community Center and asked for money to be sent with no obligations. Mrs. Laake stated that streetlights across street from City Hall have never been fixed by Duke Energy. The Mayor said Duke thinks the poles are not theirs, but we have a good rapport with their Government Rep so he will call. Mr. Schneider stated that a traffic light lens on Highland Avenue is burned out. The Mayor said that that is one we will replace because the bulb burned the glass.

L) OTHER REQUESTS TO ADDRESS COUNCIL

There were no requests.

M) UNFINISHED BUSINESS

There was no unfinished business

N) NEW BUSINESS

Mr. Schneider asked everyone to come to the Fourth of July Fireworks celebration. The event starts around 6:30 PM and fireworks around 9:45 PM or so.

Mr. Moore stated that we're not going to do a street program this year. He was fine with that since we did \$800,000.00 last year. He hopes revenues will pick up and we can do it, but it doesn't look like it. We've been doing it that way for a long time with leftover funds. He thinks we have done a huge amount of work in the last four to five years. He's not sure when we will get to do it again. He thinks we need a separate funding stream for streets and sidewalk repairs. He stated that he would like a 2 mill Street Levy on the November ballot. He thinks that will get about \$800,000.00 and would cost about \$60.00 per year per homeowner. Mr. Moore would like to request that the Law Department draw up a resolution or ordinance for the County Auditor to certify the tax value and generate millage for 2 mills and have this ready for the meeting in July so we can discuss getting it on the ballot in November.

O) COMMUNICATIONS

1. Letter from Earnings Tax Department RE: May 2011 Earnings Tax Report

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

2. Letter from the Police Department RE: Bureau of Justice Assistance Grant

On a motion by Mrs. Laake, seconded by Mr. Schneider, it was moved to receive and file the letter and to send a letter to approving of the application and thank the police department for their work. Mr. Schneider stated that there is no match required for this grant. On the motion to receive and file the letter and to send a letter to approve of the application and to thank them for their work, all members present voted, "Yes."

P) EXCUSE ABSENT MEMBERS

On a motion by Mrs. Laake, seconded by Mr. Moore, it was moved to excuse the absence of Mr. Mumper. All members present voted, "Yes."

P) ADJOURNMENT

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

*Casey Brown **

**Casey Brown
Clerk of Council**

*Jane Grote **

**Jane M. Grote
President of Council**

*** Original copy was approved by council and signed by Ms. Brown and Ms. Grote during the regular Council Meeting held on August 9, 2011 and can be viewed at the Clerk of Council Office, 4645 Montgomery Rd, Room 205, Norwood, OH 45212**