



Norwood City Council Council Chambers August 10, 2010

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 all members were present.

E) AMENDMENT OF AGENDA

None

F) MINUTES OF PREVIOUS MEETINGS

On a motion by Mrs. Laake, seconded by Mr. Moore, it was moved to approve the minutes from July 13, 2010 as if read. Mr. Thornbury noted a misspelling of the name Bain on the first page. Ms. Grote noted that the motion was to approve the minutes as if read with the spelling error corrected. Mr. Thornbury complimented the clerk on her helpfulness of documentation with detailed descriptions on the minutes. All members present voted, "Yes."

G) REQUEST TO ADDRESS COUNCIL ON AGENDA ITEMS

There were no requests.

H) REPORTS OF STANDING COMMITTEES OF COUNCIL

There were no reports.

I) SECOND READING OF ORDINANCES

1. ORDINANCE TO CHANGE APPROPRIATIONS FOR THE YEAR 2010, AND DECLARING AN EMERGENCY, AS AMENDED.

On a motion by Mr. Schneider, seconded by Mr. Thornbury, it was moved to suspend the rules and have the second and third reading of the ordinance. Mr. Mumper stated that he would like to vote for the ordinance except for one thing. He wants it to balance out by decreasing another key and not just add to spending. He also stated that his other issue was with separation pay and that will continue as a review item between himself and Mr. Stith. Mr. Mumper said that he thinks the Auditor can pick a key with money to put against the overage. Mr. Sanker said that he thinks it would be advisable to remove something from other keys for the separation key. He asked Mr. Stith if there are keys where we can make adjustments to move some money from other keys so we have a reserve available for later and we can see later how each key is running. Mr. Stith answered that the most obvious, but not necessarily permanent, solution is to take the money out of the public land and buildings capital projects key. There is \$101,374 unencumbered in that key. He stated we are looking at under \$50,000 to balance out and to make an even appropriations ordinance to where there is no change. He has been working on an analysis for the Finance Committee that looks at all keys and all encumbrances for material and supplies across the general fund and money which is also unencumbered so the committee can go through and see which areas are right for decreasing their key. He stated it appears it is just shy of \$300,000 between all keys that are not currently encumbered in a purchase order. There will be areas to take money from and he plans on addressing these changes at the next Finance Committee meeting. He thinks for now, council could take from the 0911 capitol improvements key. Mr. Moore asked if Mr. Stith was saying that by analysis, we could expect a reduction in appropriations. Mr. Stith said that there is more appropriated than encumbered, but not necessarily what a department needs. He thinks that some existing purchase orders can

be reduced. He stated they need to dig into that and make cuts. With the revenue projections and with revenue being flat, we are looking at another \$27,000 that needs to be cut in order to meet the revised certificate. Those numbers are without any carryover. He stated that we need to look at taking as much of that \$300,000 off of appropriations as possible so we can carry through to next year. Mr. Stith added that he has received 2 letters from employees that are optioning their buyouts and we have their buyout projections, so we need to have a little under appropriations so we can have money for things like that. Mr. Schneider stated that Council is usually very negative about finances. He asked if Mr. Stith would agree that with the controls and constraints that have been put in place, that department heads have been watching their spending more closely this year. Mr. Stith responded that we have received compliments from the State Auditor over how we have been handling the books for the last few years. The department heads have been reining in their spending more this year due to the communication of the issue to all departments. Mr. Stith said that he thinks that the seriousness of our financial situation is sinking in and department heads are taking restraints on spending. Mr. Sanker stated that if, as Mr. Mumper suggested, we balance out this ordinance by using existing money from the public land key, then maybe other money can be redirected later. He asked if Mr. Stith would recommend that as an option. Mr. Stith stated that his recommendation is that the only single source that is easy to decrease now and put back later is the public lands and building key. Anywhere else, we would have to combine 3 or 4 keys to get to that same amount. He pointed out there will be a \$50,000 decrease in that key and then the information on year to date expenses and encumbrances is something we can review in the Finance Committee. Mrs. Laake asked that if we do take from public lands and buildings, are there outstanding road projects that would come out of that and that nothing is encumbered. She stated that she wouldn't want to be stuck not being able to pay the bill on initiated projects. Mr. Stith answered that he is talking about the unencumbered balance. No road projects should come out of that unencumbered balance. There is \$27,809 encumbered which gives the key an unencumbered balance of \$101,374. Mr. Mumper stated he would like to move to amend the attachment to put in the decrease in the capital improvements key to balance. Ms. Grote asked what amount Mr. Mumper is talking about amending. Mr. Mumper said that he doesn't have a copy of the ordinance in front of him. Mr. Mumper continued saying that Mr. Stith said \$46,000. Ms. Grote said that Mr. Mumper is making a motion for council to vote on and asking for an amendment. She stated that Mr. Mumper needs to specify the exact amount he is requesting to amend. Mr. Mumper answered that he wanted to amend it by how much it will take to offset the increase. Ms. Grote explained that council needs an exact number in order to amend the ordinance. Mr. Moore commented that it is hard to get money back into a key once it's removed. He then asked if the Mayor or the Safety-Service Director knew of any planned expenses from the public lands and buildings key that are not yet encumbered. The Mayor said that it can be several issues. He said that he thinks amending ordinances should be done in the Finance Committee. He stated further that he doesn't know where the money is going to come from or whether it will be needed down the road. He doesn't understand spending more unless we know a way to pay for it. He would like to see this ordinance held off until a review is done. Mr. Moore stated that he agrees with Mr. Mumper. This ordinance has been here for 6 weeks but different ordinances have been referred to the Finance Committee. He said he didn't think there was analysis by the Finance Committee, or the people who are here every day and whose responsibility it is to find a way to pay for it. He stated that no one at city hall has done anything, and he could do the analysis himself. He said we shouldn't increase appropriations because we don't have the money for it. Mr. Moore said he has a problem taking \$50,000 out of a key without investigation. A vote was called for on the motion to suspend the rules and have the second and third reading of the ordinance. The motion failed, with Mr. Mumper and Mr. Sanker voting, "No", and Mr. Moore, Mr. Thornbury, Mrs. Laake, Mr. Gabbard and Mr. Schneider voting yes. Mr. Gabbard then asked if we could pull out the refunds that people have been waiting for and vote on that. He would like to make a motion on that. Mrs. Grote reiterated that a specific amendment is needed. Mr. Gabbard stated that the Auditor could do that. Ms. Grote repeated that Mr. Gabbard needs to make a specific motion with specific numbers. Mr. Mumper stated that he has a new exhibit in his hands that Mr. Stith just handed him. Ms. Grote stated that the exhibit should be submitted in writing so council can see what they are voting on. She then asked Mr. Mumper if he was making a

motion to amend the exhibit to that document in his hand. Mr. Mumper made a motion to amend the exhibit of the ordinance to what he was going to read aloud to council. Mr. Mumper read the exhibit out loud for Council. The motion was seconded by Mr. Sanker. A copy of the exhibit was provided to the Clerk of Council that matched the numbers read aloud by Mr. Mumper. All members present voted, "Yes." On a motion by Mr. Schneider, seconded by Mr. Mumper, it was moved to suspend the rules and have all three readings of the ordinance as amended. All members present voted, "Yes." On a motion by Mr. Moore, seconded by Mr. Thornbury, it was moved to pass the ordinance as amended. All members present voted, "Yes."

J) INTRODUCTORY READING OF ORDINANCES

1. ORDINANCE AUTHORIZING THE CLERK/TREASURER TO CERTIFY UNPAID BILLS FOR THE COST OF GRASS CUTTING TO THE HAMILTON COUNTY AUDITOR FOR FILING AS A LIEN ON THE TAX DUPLICATE OF THE OWNER(S) OF SAID PARCELS AND TO BE COLLECTED AS OTHER TAXES, 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. All members present voted, "Yes." On a motion by Mrs. Laake, seconded by Mr. Moore, it was moved to pass the ordinance. Mrs. Laake asked the Auditor if we have ever collected on any of the grass cutting liens. She said there are hundreds of lawns that the city has cut. Mr. Stith answered that yes, we receive them after we get the county settlement sheet. It is always at least a year in arrears and sometime 2 or 3 years. On a vote to pass the ordinance, all members present voted, "Yes."

K) ADMINISTRATION REPORTS

1. Mayors Report RE: Miscellaneous Business and Possible Executive Session

The Mayor read a letter from Carl Lindner regarding a donation of \$20,000 for maintenance and beautification for each Lindner park this year, and an endowment to be set up for \$750,000 for Waterworks (Carl and Edyth Lindner Park) and \$500,000 for Lindner Park. The Mayor stated that Mr. Lindner also donated the money needed for 911 radios. He said there is always much joy in meeting with him and he is kind and generous to the City of Norwood and deeply cares for the city.

The Mayor explained that back in April, the building department started the KOPS Program (Keeping Our Properties Safe). It seemed successful. It has been increased due to recent events. They go out 3 times a month and select spots to be visited. On one outing, they put in a long day with the Law Department attending and by having everyone there, everything can be reviewed and everyone sees the issues. The mayor stated we will take any legal action that we can take. The worst properties get the first look. He said people are having discreet conversations with the building department to nominate properties.

He then mentioned that at the last Committee of the Whole meeting, it was requested that he meet with the unions to discuss budgetary issues. He did meet with the unions. The unions want to know what Council wants and what Council's plans are. He has requested an executive session to discuss the issue in more detail.

The Mayor reminded council that August 3rd was National Night Out at the Community Center. They had a bike rodeo. The Police dog demonstrated search and attack. There was strong attendance from the city departments and other departments. It was a great event and well attended. He said thanks to those involved. The City got together and invited other communities. The Mayor considered it a success, and there were a lot of volunteers present.

The Mayor announced two incidents that recently occurred. He stated that a woman was struck and critically injured on Montgomery Road. The Paramedics were exposed to a lot of blood. The other incident occurred at Minot and Edwards. A person was speeding down Minot, failed to stop and hit an embankment, ending up on I-71.

The Mayor opened the floor for questions.

Mr. Gabbard stated that for the last 4-5 years we have been battling with Fun Factory. We have tried to reason with them and explain that their activities are not good for the neighborhood. It gets better for a while and then worse again. Right now it is worse. Mr. Gabbard asked the Mayor to speak with the Police and COPS in hope that that might be one area they can look into. Mr. Gabbard stated that items that need to be addressed are late night hours, loading and unloading on Sherman (which is dangerous),

the chaos that occurs when they close for the night and parking. Residents are complaining of Fun Factory customers parking in front of their driveways and not being able to find a place to park on their own street. There is trash everywhere. Mr. Gabbard is asking that the city put pressure on them and figure out what we can do. It causes problem everywhere. He can't find one resident that is pleased to have that business there. He is asking for cooperation, and it is time to take serious action. The Mayor answered that Mr. Gabbard is right. He has recently received a letter from Mrs. Laake about the problems at Fun Factory. He stated that we will follow up. Enough is enough and we are done. Roller rinks are a problem, the clientele is a problem. It is a valid complaint and he will meet with the Chief and COPS on it. The Fire Department has restricted the occupancy before. The owner promises anything, but doesn't consistently keep his word.

Mr. Schneider stated that he received a letter from the mayor regarding an issue on Jefferson Ave.. He asked the Mayor what he meant by the statement about "picking up the phone and asking". The residents communicated the way they are comfortable. Mr. Schneider asked if the Mayor expected all residents to call his office every time. Mr. Schneider thinks residents can call anywhere for help. He then commended the mayor on working on the problem. The mayor stated that he meant council could have called. He said he thinks that what happens is an email gets sent to the Clerk's office and the secretary is instructed to send it out. Council wants to help and e-mails are flying all over, and sometimes the Building Department knows about a problem and sometimes it doesn't. The Mayor said if Council members get complaints, to refer them to the Mayor, or Mr. Geers or the appropriate department. He thinks emails cause things to get lost. Mr. Schneider stated that his concern is that we get something and a month later, the resident hasn't heard anything. He wants to have communication back and close the loop. He can then verify from the department that handled the problem as to whether or not the problem has/or can be taken care of. Council members are "left out of the loop" in these situations. The Mayor said that emails go out to all and 7 respond. Mrs. Laake interjected that she did not respond. The Mayor said that one complaint came to the Clerk and the secretary sent it out. They already had a conversation about property. He wants council to be able to meet obligations. Mr. Sanker stated that the sunken sewer lid on Montgomery Road is fixed and wanted to thank them for taking care of it. Mr. Mumper stated that at the Moeller Avenue stop sign at Drex, there were 2 holes there. He said that he called Mr. Geers and it was taken care of and covered over by Friday evening. The Mayor replied that sometimes requests don't get taken care of quickly, such as the utilities on Montgomery Road, but now that is taken care of.

Mrs. Laake wanted to reiterate the Mayors words on Carl Lindner. Recently, Mr. Lindner donated money to the Norwood Business and Professional Women's Club for Norwood Day.

Mrs. Laake said that she would like to inquire on the Montgomery Road Traffic Light Study. The Mayor said they are doing an accounting of them. Mrs. Laake stated further that she was asked by a resident how many lights there are on Montgomery Road. The resident told her there were 14 lights and then stated that they got stopped at 13 of the 14 lights.

Mr. Gabbard requested that the next time the Mayor speaks with the Police Department to let them know that people are concerned about increased drug activities. He tells people to call the drug line. He knows that solutions can't happen overnight and he is frustrated that Cincinnati is pushing the drug pushers and users to our city. The Mayor answered that the number one priority of Chief Schlie since day one has been to solve this problem. The city used confiscated drug money to pay for the efforts. The Chief has fought harder than most. The Chief has formed a drug unit and put someone on a DEA task force which has brought great resources and funding to this effort. The Mayor said that people don't go to jail for it now. His theory is that we do not want to give them the impression that they are welcome here.

L) OTHER REQUESTS TO ADDRESS COUNCIL

There were no requests.

M) UNFINISHED BUSINESS

None

N) NEW BUSINESS

Mr. Gabbard requested to put the issue of looking into parking permits on Sherman Avenue and Baker Street into Committee of the Whole.

O) COMMUNICATIONS

1. Letter from Liquor Control RE: Firehouse Tavern Appeal

The letter stated that the objection to the transfer of their liquor license was overruled by the state, and the application process will continue. On a motion by Mrs. Laake, seconded by Mr. Moore it was moved to receive and file the letter. Mr. Moore stated that the incidents from the first few weeks have not been repeated. The bar has calmed down. He spoke with the manager who stated that he intends to keep it that way. All members present voted, "Yes."

2. Letter from Liquor Control RE: Shafer's Tavern Appeal

The letter stated the Hearing is set for August 23, 2010. On a motion from Mr. Moore, seconded by Mr. Thornbury, it was moved to receive and file the letter. All members present voted, "Yes."

3. Letter from Liquor Control RE: Transfer for Barbour Grocery

Ms. Grote stated that the request for transfer was forwarded to all departments and no objections were filed and that Council needs to make it clear if they want to object. On a motion by Mrs. Laake, seconded by Mr. Mumper, it was moved to receive and file the letters as if read. Mrs. Laake stated that we received correspondence from the appropriate departments and no objections were noted. All members present voted, "Yes."

4. Letter from Mayor RE: Mayor's Court Fines

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

5. Letter from Earnings Tax Dept RE: July 2010 Tax Earnings Report

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

6. Letter from State Auditor RE: Technical Assistance/Resolution Request

On a motion by Mr. Moore, seconded by Mr. Mumper it was moved to receive and file the letter and to send a letter to the Law Department requesting the resolution to accept the technical assistance being offered. All members present voted, "Yes."

7. Letter from Law Department RE: Going into Executive Session

Ms. Grote stated that the Mayor also requested an executive session to discuss contract negotiations. On a motion by Mrs. Laake, seconded by Mr. Mumper it was moved to receive and file the letter and to go into Executive Session to discuss current litigation and contract negotiations. All members present voted, "Yes."

Council went into Executive Session to discuss current litigation and contract negotiations.

The meeting was called back into Regular Session.

P) EXCUSES ABSENT MEMBERS

No members were absent.

Q) ADJOURNMENT

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

Cassandra Brown
Clerk of Council

Jane M. Grote
President of Council