



## Norwood City Council Council Chambers August 23, 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. There was a moment of silence for Bob Sorrell immediately following the prayer and pledge.

### B) PRAYER

### C) PLEDGE OF ALLEGIANCE

### D) ROLL CALL

On roll call, all members were present.

### E) AMENDMENT OF AGENDA

On a motion by Mrs. Laake, seconded by Mr. Mumper, it was moved to amend the agenda by moving introductory readings of resolutions, 1) Resolution Honoring Victor Schneider II for His Service to the City of Norwood, and 2) Resolution Honoring the Norwood City School District for its Designation Of "Excellent" by the Ohio Department of Education, to the first order of business, and to move the introductory readings of ordinances, 1) Ordinance Amending Various Sections of Part 11 of the Codified Ordinances Of The City of Norwood, Ohio, Entitled "Planning and Zoning Code" and 2) Ordinance Amending Section 1121.03 of the Codified Ordinances of the City of Norwood, Ohio, Entitled, "Identification of Official Zoning Map" to Adopt the Official Zoning Map of the City of Norwood, immediately following the public hearing. All members present voted, "Yes."

### INTRODUCTORY READING OF RESOLUTION #1

### RESOLUTION HONORING VICTOR SCHNEIDER II FOR HIS SERVICE TO THE CITY OF NORWOOD.

Ms. Grote announced that it was her understanding that Victor Schneider II is in Chicago starting college, but she would like to invite Boy Scout Troop 9 to come forward. On a motion by Mrs. Laake, seconded by Mr. Mumper, it was moved to suspend the rules and have all three readings of the resolution with the first reading in its entirety. All members present voted, "Yes." On a motion by Mrs. Laake, seconded by Mr. Mumper, it was moved to pass the resolution. Mr. Schneider stated that this resolution is honoring his son and that he's very proud of him and then announced that Scout Master Broughton and Assistant Scout Master Edwards would like to speak. Assistant Scout Master Chris Edwards said that he would like to thank Council for recognizing Victor for his hard work and effort to achieve the rank of Eagle Scout. Victor is a great addition to the Eagle Scouts. He made us and his family proud. Troop 9 has been active in Norwood for 77 years. Scouts desiring to be Eagle Scouts must complete a service project for the community and it cannot be routine labor and cannot benefit the scouts or any business. Mr. Edwards touched on several projects that have been done in the past by many scouts working to get their Eagle Scout rank. Doing these acts of service instills pride in the community. Troop 9 has worked at the Holy Trinity Festival, done creek cleanup and many other projects to benefit Norwood. They also went to the Dominican Republic to build houses. He noted that all of our scouts are true assets to the community. On the motion to pass the resolution all members present voted, "Yes." Ms. Grote presented a copy of the resolution to Mr. Schneider and to Scout Master Broughton.

### INTRODUCTORY READINGS OF RESOLUTIONS #2

**RESOLUTION HONORING THE NORWOOD CITY SCHOOL DISTRICT FOR ITS DESIGNATION OF "EXCELLENT" BY THE OHIO DEPARTMENT OF EDUCATION.**

Ms. Grote invited Superintendent Rob Amodio and the members of the School Board to come forward. On a motion by Mrs. Laake, seconded by Mr. Mumper, it was moved to suspend the rules and have all three readings of the resolution with the first reading in its entirety. All members present voted, "Yes." On a motion by Mrs. Laake, seconded by Mr. Gabbard, it was moved to pass the resolution. Mrs. Laake stated that it is nice to be a Norwood parent and to get this recognition for the schools. Her kids went to college and did not lack for anything. Mr. Thornbury stated that he always knew we had an excellent school district. Some did not believe it previously. That past reaction is one reason he got involved. His children did well too. He noted that it is delightful to see vindication of that and get recognition by the state. He thinks you can see it noted in the real estate section of the paper with home listings our excellent designation. Mr. Moore said that he knows parents of young children here who can get less expensive houses here, but people discuss about where to send kids for education. This is the most important thing as far as the city goes. He's excited and grateful for the work the school district has done. Mr. Gabbard said that he talked to all of them prior to the meeting. As a Norwood High School graduate himself, along with his wife and kids, he's very proud of our school district and the job they have done. His brother is in an administrative position for the schools. It is a win-win for all of us. Mr. Gabbard noted the district's hard work has paid off and he gives them his Congratulations and a job well done. Ms. Grote asked the Mayor if he would like to comment. The Mayor said that we all think the same thing, and now their work made it official. When we meet with businesses, we can say it is an excellent school district officially. It is collectively a benefit. This is a great accomplishment for us. Mr. Schneider said that the voters recently passed a school levy. Everyone in Norwood helped by voting and getting that passed. But it started with the leadership of the people from the schools. A lot of trust has been given to you for that. He said he was in school today with his son. The teachers and parents are all excited about school. Everyone from teachers to parents bring it all together. That is why they moved here in 1976. Mr. Schneider said he had a discussion about the passage of the levy with coworkers and emphasized that Norwood is a good community. Ms. Grote invited Rob Amodio to speak. Mr. Amodio wanted to thank everyone for the opportunity. The whole of excellence is the staff and it takes everyone. This was a community effort. We have a lot of volunteers who helped as well. This is a representation of the entire community. We will continue to work to get an excellent with distinction rating next. We have the greatest of all people working toward this goal. On the motion to pass the ordinance, all members present voted, "Yes." Ms. Grote presented the resolution to Mr. Amodio with congratulations.

**F) PUBLIC HEARING FOR AMENDMENTS TO THE NORWOOD ZONING CODE**

Ms. Grote explained that we will now go to the public hearing for the zoning code. She called for those who wish to make a comment for and then against the amendments to the code. She explained the Council will not answer questions directly. She asked for people to please step forward and state their name and address. Ms. Grote called for those who wish to speak in favor of the zoning code to come forward. Assistant Law Director Chris Brown and Urban Planner Greg Orosz stepped forward. Mr. Brown said that they were asked to look at the zoning code to identify areas to improve for economic development. Looking at the code, they found three main areas to focus on. First was to go through the code in its entirety to make changes to improve the economic atmosphere and make it more desirable for businesses. Second was to look at the Montgomery Road corridor. The third was to look at residential areas. These amendments are the result of this and they're recommending minor changes to the document. This encompasses minor changes to code, corrections of outdated language and creating a zoning map that anyone can look at and identify what zone they're in. Mr. Brown stated that he will let Mr. Orosz explain the changes to the map and they will go through the changes in the ordinance. Ms. Grote reminded them that this is a public hearing so questions could not be asked. They do have information to share so it might be best to wait until the ordinance is presented to discuss the changes so they would not be under the time constraint. Mr. Brown agreed that they will wait and then go through the changes at that time. Ms. Grote asked if there was anyone else who

wishes to speak in favor of the zoning code to come forward. No one came forward. Ms. Grote then asked for anyone who wishes to speak in opposition of the zoning code to come forward. No one came forward. Ms. Grote stated that as we have asked for people to come forward to speak in favor or against the code, and the hearing is now closed.

INTRODUCTORY ORDINANCE #1  
ORDINANCE AMENDING VARIOUS SECTIONS OF PART 11 OF THE  
CODIFIED ORDINANCES OF THE CITY OF NORWOOD, OHIO, ENTITLED  
“PLANNING AND ZONING CODE.”

Ms. Grote asked Mr. Brown and Mr. Orosz to come forward. On a motion by Mr. Moore, seconded by Mrs. Laake, it was moved to have a first reading of the ordinance. Ms. Grote asked Mr. Brown to continue his presentation. Mr. Brown stated that sections 1 and 2 of the ordinance will correct outdated language for the transitional district. That was eliminated. Sections 3 and 4 will be explained by Mr. Orosz with respect to fences and outdoor dining areas. Mr. Orosz said that fencing and wall restrictions are similar, but there is a ban on barbed wire fencing. They also banned the use of chain link in front yards. It is still viable for a backyard but not for the front. Outdoor dining areas are new. The trend is to have these; it adds more seating for businesses. Mr. Brown said that section 5 was changed by request from the Building Commissioner. He interpreted zoning code as to not allow parking in the driveway in the front yard set-back so he asked them to clarify the language to allow that or they can construct a driveway. Section 6 for parking requirements at commercial buildings was reviewed and it is now based on net square footage not gross square footage. It takes out all elevator shafts, stairwells, etc. It allows for larger buildings to have parking based on users and not be constrained based on the size of the building. Section 7 was also requested by the Building Commissioner. The city has a lot of nonconforming lots and he wants people to have the ability to build or expand on these lots if they do not meet the setback requirements. Mr. Thornbury asked if section 6 is based on experiences from other cities. He said that he understands the intent but that this may lead to the conclusion that businesses will need to have fewer spots because they can rely on street frontage. Mr. Brown stated that he is correct and that is another change. We are allowing businesses to count on-street parking toward their parking requirements. It tended to restrict development because they are so large that they have to go through the variance process. Looking at how much parking is needed and recognizing that there is street parking they can use and there are could be some portions of any building that do not carry a parking load. Mrs. Laake asked for an explanation of section 7. Mr. Brown explained that we have minimum lot size on zoning. Some lots do not meet the minimum requirements to allow people to purchase and build a single family home. We allow houses on existing lots without variances. Also if you have additions that may not conform you can still expand. Mr. Moore said that in that same section, he thought of a food mart whose lot is too small to build on under this provision you have to match setbacks to neighboring property owners. Mr. Brown stated that in that situation they still could not have built on the lot. Mr. Sanker had a question about section 6 regarding linear frontage. He asked if someone was on a corner lot, would the frontage include both sides. Mr. Brown answered yes. Mr. Sanker pointed out that there seems to be a typo on section 7 the on the on the last page. It states “located on the on the...” Mr. Brown said that that was correct. Mr. Moore asked for an explanation on the street parking counting towards that total parking allotted for business. He stated that there are a lot of businesses that do not meet parking and they want to use on-street parking out front. He asked if the zoning board approved that argument. Mr. Brown said many businesses on Montgomery Road will count frontage toward parking because they have no way to do off-street parking. They are still under the minimum requirement with these exceptions, but we want to give them a fighting chance. Mrs. Laake commented that if there is no parking, no business will last. She added that she doesn't see any changes to that if a homeowner has an existing garage and they want to repair it that they have to get a variance to replace it. That issue does not seem to be addressed here and asked if they looked at that and we can address it in the future. She asked if the Mayor had a comment since he sits on the board. She asked if he sees that frequently. The Mayor stated that this has been a continuing discussion for many years. When we brought Mr. Orosz in for planning and Mr. Kiser brought Mr. Brown with his expertise, we knew we could get on track. It amounts to trying to fit old infrastructure into new.

There is still a lot to go through. We don't want to tell someone "no". We've been trying to do this for some time. Mrs. Laake asked if they will keep that change in mind for later meetings. Mr. Moore answered that it is part of the discussions. This is the easy stuff. The more complicated will come later. This is a constant issue. Mr. Moore continued that he wanted to inquire if that the city does still not allow front yard fencing without a variance. He asked if it would still have to go the zoning board to get a variance. Mr. Brown answered that it is still an automatic rule to not allow front yard fencing without a variance, but chain link will now never be allowed. Mr. Moore asked for clarification on the outside seating for restaurants. He asked if they could just set up tables as long as they follow the rules. Mr. Brown answered that there is no process for a business to follow in regards to that. The business owner makes the decision and we provide the parameters. We will provide the extent, upkeep and how it's constructed. Mr. Moore said that he is assuming the Building Commissioner recommended that, and had he thought that was the best way to do that. Mr. Brown said that they provided these changes to the Commissioner for comment and he did not indicate a problem for enforcement. Mrs. Laake pointed out another typo in the outdoor dining areas sections it should say "exits" On the motion to have the first reading of the ordinance, all members voted, "Yes."

#### INTRODUCTORY ORDINANCE #2

#### ORDINANCE AMENDING SECTION 1121.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORWOOD, OHIO, ENTITLED, "IDENTIFICATION OF OFFICIAL ZONING MAP" TO ADOPT THE OFFICIAL ZONING MAP OF THE CITY OF NORWOOD.

On a motion by Mrs. Laake, seconded by Mr. Thornbury, it was moved to have the first reading of the ordinance. Mr. Orosz said that the old zoning map was difficult to read for various reasons. Colors were similar so they changed them and made it a clear spectrum. Roads were difficult to orient on it so they were updated. The outlines of buildings were added. There is now a clear indication of property lines on the map. On the website, the download will be easier and in full resolution. Mr. Brown stated that there are no changes to any property zoning. It is only the look of the map that has changed. No zoning changes were made at all. Also the text to the zoning code was changed to make it easier to update the map. This made the process easier, and it also clarifies the official map and makes updating easier. Again, no zoning is being changed at all on any property. Mrs. Laake asked that in view of no changes being made to the zoning is there any reason not to adopt this tonight. Mr. Brown said there are some text changes and it is the will of Council to pass it tonight or later. Mr. Schneider stated that in his training on economic development and zoning they push you to team up with businesses. Often, zoning prohibits expansion. He asked if we were working with businesses and are they looking at that. As we are adopting this, he felt we should make some changes now. Mr. Schneider wondered why we aren't making changes since we can see changes needed and may need to do it now. Mr. Orosz said that this is phase one of the process. We're taking care of what they felt were basic problems first. The next phase is will be more complex. Their goal is to allow developers and citizens to maximize use of property. Mr. Thornbury said that looking at the Rookwood area it seems that Dacey Avenue and Atlantic Avenue are not vacated. Mr. Brown stated that those have not been vacated. Ms. Grote said that it has not taken place but has been proposed. Mr. Moore asked the Mayor how far along the Planning Commission is. The Mayor said that the Montgomery overlay is in process. The intent is to help development. It will continue as a process. The change of colors clears it up and then this is designated and signed and passed by Council which resolves a potential issue. It can have a cumulative effect on progress. On the motion to have the first reading of the ordinance, all members present voted, "Yes."

#### G) REPORTS OF STANDING COMMITTEES OF COUNCIL

##### 1. Finance Committee

RE: City Finances

Mr. Schneider read the report from the Finance Committee entitled "City Finances". He stated that after discussion within the committee, it was agreed to forward exhibit "A" on the appropriations ordinance at the next Council meeting and pass the ordinance. On a motion by Mr. Moore, seconded by Mr. Mumper, it was moved to accept the committee report. All members present voted, "Yes."

## 2. Finance Committee

RE: Claim of Andrew Schlotterbeck

Mr. Schneider read the report from the Finance Committee regarding the claim of Andrew Schlotterbeck. Mr. Schlotterbeck filed a claim to be reimbursed for \$247.08 for damage to his car due to potholes on Sheridan Drive. The committee recommends that the claim be denied because the city fills potholes as they are found or reported. It was deemed that there was no negligence on the part of the city. On a motion by Mr. Moore, seconded by Mr. Thornbury, it was moved to accept the committee report. Mr. Thornbury, for the record, corrected the pronunciation of Mr. Schlotterbeck's last name. On the motion to accept the report, all members present voted, "Yes."

## **H) INTRODUCTORY READINGS OF ORDINANCES**

### **3. ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF NORWOOD, OHIO, AND DECLARING AND EMERGENCY.**

On a motion by Mr. Thornbury, seconded by Mrs. Laake, it was moved to suspend the rules and have all three readings of the ordinance. Mr. Schneider said the finance committee had been dealing with finding funding to pay for this. He asked Mr. Brown if there was going to be the same way next year. Mr. Brown answered that we cannot be certain of the yearly charges sometimes. This year was so expensive because of adopting part 3 and Part 5, the entire traffic and general offenses code. He said that he believes that next year will be less expensive because not as much adoption was done and there will be less work required for indexing. Mr. Brown added that the Law Department is doing research on other companies and their alternative costs. 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."

### **4. 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 of the ordinance. Mr. Schneider stated that this exhibit "A" was discussed in the finance report. Going through it we are paying some cell phone bills. The Clerk of Courts came to the Auditor with suggestions on getting things done and those are for those changes. We have to find money in other keys before we can move it elsewhere. We are taking from unemployment compensation to pay bills. The Finance Committee had a discussion about the birth certificates program to avoid hitting the budget. The plan is to pull some licensing fees out so there is not a constant change to do but will be automatic. We are at end of year and it is tight. On a 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."

### **5. ORDINANCE AUTHORIZING THE CITY OF NORWOOD TO FILE AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND, AND DECLARING AND EMERGENCY.**

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. Mr. Moore asked Mr. Brown if it was OK to pass this issue as in ordinance even though a resolution was requested. Mr. Brown stated that we need an ordinance because it is more permanent. It will not interfere with the Clean Ohio Grant. 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. Mumper, it was moved to pass the ordinance. All members present voted, "Yes.".

## **INTRODUCTORY READINGS OF RESOLUTIONS**

The resolutions were read at the beginning of the meeting.

## **I) ADMINISTRATION REPORTS**

### **1. Mayor's Report** RE: Miscellaneous Business

Mayor Williams started by thanking Council and the Council President for recognizing losing those who are part of our lives. Bob Sorrell was his friend. He recalled when Alton Colman and Debra Brown committed crimes in our city. Prior to that, Bob wanted to buy a video camera to take to crime scenes to help investigators remember the scenes. They bought the camera and it was used first on that case. It was the first video used as evidence in the case for the State of Ohio.

Mayor Williams had a meeting with the Auditor to discuss budget numbers. He said he will continue and keep up communications with the Auditor.

The recognition of the school's excellent rating provides a missing item for the city.

This will make their jobs easier.

The Rookwood Exchange project is in progress. There was a meeting with bond council. They are moving that along and hope to have everything rectified soon. The TIFFs were brought up. The developer is meeting with the schools to work it out with them and then we can proceed. He has not heard any complaints from the schools on that.

We have another project to bring to you later and it will be more complicated and has never been done before. We want businesses in the city, but we can only go so far.

Mayor Williams said he wants Council to know we will give our best judgment for the package. The Law Department must approve them and Council must pass them. They will provide Council with enough information to make an informed decision.

Mrs. Laake said that she was wondering with the passage of the Clean Ohio Ordinance if we have heard about the Perry and Derek site. The Mayor said we have a list of people who can go into the site. The hardwiring in is going in for trailers and they are preparing for cleanup. The water and air is being monitored. Mrs. Laake asked if they have done testing or if they're just assuming what they know may be there. The Mayor answered that it is a big hazard. Mrs. Laake said that in the past for cleanups they have had public hearings. She asked if we will be having a public hearing. The Mayor answered that we will have it when there are details to tell. When the plan is complete we will have a hearing.

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

There were no requests.

## **K) UNFINISHED BUSINESS**

There was no unfinished business.

## **L) NEW BUSINESS**

There was no new business.

## **M) COMMUNICATIONS**

### **1. Letter from the Board of Health** RE: Hiring of Health Commissioner

Ms. Grote noted that there were no members of the Board of Health present to answer questions. Mrs. Laake said she will make a motion to discuss. On a motion by Mrs. Laake, seconded by Mr. Schneider, it was moved to receive and file the letter. Mrs. Laake asked the Auditor what the salary range for the position is and if the salary requested for the candidate is within range or is it at the bottom end of the range. She then asked the Law Department if they need to ask for the residency waiver and is that applicable. Mr. Stith stated that there were no cost-of-living adjustments made to that salary range. The fixed range was set in ordinance 33-2009 so it does not change. The range is \$53,000.00-\$70,000.00 for a Health Commissioner's salary. Mr. Brown stated that there have been changes and the Ohio Supreme Court addressed residency requirements. We have that provision to allow a waiver by Council. Mr. Brown said he would advise Council to waive the requirements as requested. Mrs. Laake said she will amend her motion to also waive residency and approve the starting salary. Ms. Grote said that in the past, she thinks this had to be done by ordinance and asked Mr. Brown if they can be done by motion. She felt that there have been times in the past when we have waived residency or had salary outside the range and it was done by ordinance. That is her recollection. Mr. Brown stated that the last time a residency waiver was granted was for Ms. Bauer. He thinks that was done by motion. Ms. Grote said that she thinks it was done by ordinance but her recollection may be inaccurate. Mr. Brown said

that we can review this. Ms. Grote suggested that the motion be that there be a waiver and if necessary an ordinance be done. She thinks we have had to do either an ordinance or resolution. Ms. Grote clarified the motion that it was to receive and file the letter, waive residency, and approve the starting salary and added that it be done by ordinance or resolution if necessary. Mr. Schneider stated that he does not want to second that motion and withdrew his second. Mr. Thornbury then seconded the motion. Mr. Schneider stated that his concern is that we are looking at hiring a person who lives far away. We are in Hamilton County and he finds it hard to believe that we cannot find one qualified person who lives nearby. He wants a commissioner who will be here for a long time and will be involved in the community. He's concerned that if there is an emergency whether the commissioner could get here to assist with the issue. Mr. Schneider said that he feels the Health Commissioner is an important part of the community and our emergency services. He finds it hard to believe we can't find someone nearby. Maybe we don't hire the person who has the Ph.D., and maybe we need to look for someone who will better our community. He said that he wants a long term Health Commissioner. Mrs. Laake said that she agrees but that in this financial climate she finds it amazing that anyone applied for it at all. She knows the Board of Health would love to have someone who lives in Norwood. While it's not the best situation, she trusts the Board of Health did their job. Mr. Moore stated that he is surprised that the Board of Health is asking for an increase in a starting salary of 10% and are not here to explain why. Mr. Moore said he cannot vote to approve tonight. Mrs. Laake said she thinks the quoted salary is less than what the current commissioner makes. Mr. Stith stated that he is not sure and would have to look. Mr. Moore said that we previously suggested asking current employees to take a pay cut for this year, so he has a problem with a new person being paid more than the starting salary. Mr. Schneider said we may have to lower our expectations of what we need. He said he would like to hire at a premium, but we're not building a new department; it already exists. He agrees it's not a ton of money but that there are people out there who might qualify for it. The Board of Health needs to find a person who recognizes it as a starting position. Mr. Mumper agrees with what's been said, but wonders where board members are to answer these questions. Mr. Gabbard suggested that perhaps we table the vote and the discussion until the next meeting so the Board of Health members can attend and explain the salary and the process. He complimented Mrs. Laake as a fine commissioner and noted she did not have a PhD and was successful. We have to look at this. There are a lot of questions to be answered. Ms. Grote told Mr. Gabbard that he may make such a motion if he would like to. On a motion by Mr. Gabbard, seconded by Mr. Moore, it was moved to table voting and discussion of this letter until the next meeting and to send a letter to the Board of Health to ask them to attend the next meeting. All members present voted, "Yes."

**N) EXCUSE ABSENT MEMBERS**

All members were present.

**O) ADJOURNMENT**

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

*Casey Brown \**

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**Casey Brown**  
**Clerk of Council**

*Jane M. Grote \**

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**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 September 27,**

# **For Informational Purposes Only**

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2011 and can be viewed at the Clerk of Council Office, 4645  
Montgomery Rd, Room 205, Norwood, OH 45212