



Norwood City Council Council Chambers August 24, 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 the following members were present: Mr. Moore, Mr. Thornbury, Mr. Mumper, Mr. Sanker and Mr. Schneider. Mr. Gabbard and Mrs. Laake were absent. Ms. Grote announced that as there are only five voting members present, there are not enough votes to suspend the rules on any ordinance or resolution tonight.

E) AMENDMENT OF AGENDA

There were no amendments to the agenda.

F) MINUTES OF PREVIOUS MEETINGS

On a motion by Mr. Thornbury, seconded by Mr. Schneider, it was moved to approve the minutes from August 24, 2010 as if read. Mr. Moore stated that there was a spelling error on page 3 in section J)1 to change the word CRASS to GRASS and on page 5 section O)1 to correct the gender of the manager of the Firehouse Tavern. Ms. Grote stated that with those corrections, we have a motion to approve as if read. All members present voted, "Yes."

G) REQUEST TO ADDRESS COUNCIL ON AGENDA ITEMS

There were no requests.

H) REPORTS OF STANDING COMMITTEES OF COUNCIL

1. Finance Committee

RE: Ambulance Request

Committee Chair, Victor Schneider, read the report that the Finance Committee recommends that council approve the purchase of an ambulance. On a motion by Mr. Moore, seconded by Mr. Mumper, it was moved to receive and file the report. Mr. Moore asked if Mr. Schneider could clarify that this is a report to only recommend the purchase of an ambulance because it is important to the city, or if the funding was discussed. Mr. Schneider said, "Yes, on both counts." He explained that there was considerable discussion over several meetings. He stated that the Mayor was there to lend his support on this purchase. The Finance Committee has been looking at finances for awhile. Mr. Schneider stated that at the direction of the Finance Committee, Fire Chief Goodman looked at financing options and worked with the Auditor to figure out a way to pay for this and not "break our back." It looks like it will cost us an extra \$8000 next year with the financing package we are using. The reasons to move forward were made clear by the Fire Department and there has been considerable discussion. Mr. Mumper asked Mr. Schneider if he was talking about \$8000 per month. Mr. Schneider said that the payment is to be made next year and is a one time increase at this point. Mr. Thornbury thanked Chief Goodman for his work on this. He stated there has been a lot of back and forth over several meetings on this purchase. One of the compromises that were made was to keep looking at different units. The Fire Department was able to come back with a more affordable model. They worked carefully with the auto broker to work out a lease so that next year's payment will be absorbed into the new lease. There will be additional payments needed in the future for this purchase. Mr. Thornbury added that with the description of the state of the current units, the need was compelling and he feels comfortable making this recommendation. Mr. Sanker stated that the city is not in a position to make two

payments on two units thus we are using a 4-5 year lease on these vehicles so next year we will not have to make 2 separate payments, but the payment of the old unit will be rolled in with the new unit. Therefore we will only make one payment next year of about \$7600. The city can come up with that next year. Mr. Sanker stated we couldn't come up with \$40,000 for a 2nd unit for next year. The cost was reduced by looking at the Ford chassis instead of the International one. The Chief assured the committee that it is a heavy duty Ford chassis and will hold up well. Also, the warranty on the custom unit is better. Mr. Sanker stated that hopefully in the long run, we can maintain our medic service without utilizing much mutual aide and rotate our units around. He pointed out that these medic units may not have as many miles as your own vehicle, but from the time they leave the station to when they return, the unit is running continuously. Mr. Sanker pointed out that engine hours matter more on the wear and tear of the transmission than mileage. When you look at Norwood's runs, we have great service. We are making 300 plus runs per month on the medic unit compared to the 88 or so fire runs. The Medic Units are out in the field constantly. It was imperative to find a way to finance the unit overall. Mr. Mumper thanked Chief Goodman and Mr. Stith for working together on the deal. He stated that some people may ask how we can buy an ambulance if we are tight on money. The city is in business to provide service. We need this ambulance to provide paramedic service to the city. We should pass this. On the motion to receive and file the report, all members present voted, "Yes."

2. Finance Committee

RE: Appropriations Ordinance

Committee Chair, Victor Schneider, read the report that stated that the committee says the ordinance put in committee is not needed as all issues have been resolved with the ordinance put on the agenda tonight. On a motion by Mr. Mumper, seconded by Mr. Thornbury, it was moved to accept the report and remove the ordinance from the agenda. Ms. Grote stated that the appropriations ordinance on the agenda was different than the one sent to the committee. She asked Mr. Mumper if he still wanted to make a motion to remove it. Mr. Mumper answered, "No." Mr. Mumper changed his motion, seconded by Mr. Thornbury, so it was moved to accept the Finance Committee report. Mr. Moore stated that the ordinance that was sent to committee had \$120,000 in increased payroll for health insurance. He then asked Mr. Schneider if this increase is no longer needed or will the Finance Committee bring that back to Council. Mr. Schneider answered that the Finance Committee drilled through all the information from the Auditor. They held a lengthy meeting and drilled through all the keys. We will see later in the meeting the changes that are necessary at this time. The report was put out to clear the old ordinance out of the Finance Committee. The later ordinance is based on the work of the Finance Committee from August 17th, 2010. Mr. Moore asked Mr. Stith if the "extra money" that was pulled out from the keys is not needed. Mr. Stith stated that there will be some changes in payroll later. Based on projections, out of each payroll key we have had 16 out of 26 pay periods that are complete. If we do a simple projection and take 1/16th of that money and multiply by 10, then we can project which keys will be short and which keys will be over. We have saved money in some areas like overtime and expenses. There are keys that will be over-appropriated. There are multiple ones that are under appropriated because of the health insurance. Mr. Stith stated it ends up looking like we will be spending less. It will be a wash with this ordinance the way it looks now. We will have to make projection changes as we get into October and November. It looks like there will be a net break even or we may even save some money. Mr. Schneider said this means we are not yet finished. Just like every other year we will look at it again. The Finance Committee will continue to meet and go through numbers to finish out with a carry over and make the last payroll. We will continue to tweak the budget. Mr. Moore said that this is good news. He appreciates the Finance Committee and the Auditor for looking at it. Thanks to everyone for their work. On the motion to accept the report, all members present voted, "Yes."

3. Finance Committee

RE: Claims

Committee Chair, Victor Schneider, read the report that the committee has directed the current claims to be passed on to the Safety-Service Director and to the Law Department for further evaluation. On a motion by Mr. Thornbury, seconded by

Mr. Moore, it was moved to receive and file the report. All members present voted, "Yes."

I) INTRODUCTORY READING OF ORDINANCES

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

On a motion by Mr. Schneider, seconded by Mr. Moore, it was moved to have a first reading of the ordinance. Mr. Moore asked Mr. Stith for information about the FEMA fund. Mr. Stith answered that there is a subsidy line within the general fund above the FEMA Fund line. The city's match for the FEMA grant is \$21,230. The total grant is \$176,300 including the match from the city. The net change to the general fund is \$41,996.50 to the negative. So it actually decreases the general fund appropriation by about \$42,000. Mr. Moore asked if there will be cash on hand at the end of the year. Mr. Stith said that if we expend all appropriations and our financial situation does not change, we will have about \$35,000. He will be adjusting the Certificate of Resources this month. Based on decreases we had this year, we had initial projections for revenues and we take year-to-date percentage decreases and apply them to future earnings over the next 3 months. That is the new estimated revenue. It will be adjusted on the certificate to take appropriations down to between \$35,000 and \$40,000 below the certificate amount. On a vote for the first reading, all members present voted, "Yes."

INTRODUCTORY READING OF RESOLUTIONS

1. RESOLUTION TO OBTAIN TECHNICAL SERVICES FROM THE AUDITOR OF THE STATE OF OHIO FOR THE PERIOD JULY 1, 2010 AND DECLARING AN EMERGENCY.

On a motion by Mr. Moore, seconded by Mr. Schneider, it was moved to have the first reading of the resolution to request technical assistance from the State Auditor. All members present voted, "Yes."

K) ADMINISTRATION REPORTS

1. Auditor's Report

RE: Financial Issues

Mr. Stith stated that his intention this month is to adjust the Certificate of Resources. We have good projections and will be looking month by month at revenue projections and at the year end balance to compare to our current appropriations to make sure to stay within the amount legally allowed by the certificate. The July 31, 2010 Auditor's Report was sent out to everyone and copies are in the Clerk's and Auditor's offices. Thanks to Chief Goodman for working on the ambulance issue. The Chief did all the legwork on that and he did it within the guidelines and instructions to cost us the least resources and get us something we desperately need. The paramedic service generates significant revenue for the city.

2. Mayor's report request Executive Session

RE: Miscellaneous Business and

The Mayor asked if there was anyone in the room who has not seen the original ceiling in Council Chamber, as he had photos to show. He would like to explore taking out the ceiling tiles on a temporary basis so people can see the ceiling. Air conditioning vents were run through it, but we will consider taking down the tiles so people can see it. The Mayor discussed the Business Summit held on August 11, 2010. The event was well attended by city officials. T-shirts with the city seal and the catch phrase "location, location, location" were handed out to developers. He said he would like to see more medical use facilities in the city and had conversations on that with groups. They had a large display showing land available and its zoning. There were 2-3 side conversations that were encouraging. We know the economy is not doing well. We want to continue to promote the city and use tax incentives with CRA. A couple of deals are just surfacing. They had presentations from the Ohio Director of Economic Development, David Main with HCDC, Liz Blum from Xavier and Pat McDaniels from the Ohio Department of Development. Christine Russell from the Port Authority was also present. The Port Authority pushes the idea of moving into urban areas. The infrastructure is already in place in these areas, but we face environmental issues and the Port Authority can help. The Mayor had a follow up meeting with them to explore

grants. The demolition of buildings with asbestos is expensive, so maybe the city could apply for grants to do environmental studies. There was a good response from the attendees. He thinks it turned out the way he thought it would.

The Mayor announced that the water crew was out on Elsmere Avenue working on a 1.5 inch line which was tapped into a 4 inch line. They got the new service in. The paint crew has been out to do crosswalk lines. The crosswalk lines are too narrow, so they got stencils to correct them and worked on them around the schools. The Parks and Street crew have been on Foraker. The street was all grown over. They cleaned it up and some old trees were taken out.

The Mayor thanked the Finance Committee for the paramedic unit. A lot of work went into that. The city has gone through some difficult times before. Council will have some tough decisions ahead.

Mr. Thornbury asked if there is any hint of the status of the Xavier Project on Cleneay. The Mayor stated that he forgot to mention the traffic problem at Norwood and Wesley. An engineering study is now done. He should receive a copy later this week and will share it with Council. Also, there have been multiple discussions on electric for Shea Stadium. The school district will now be paying the bill. Ms. Grote stated that the question was if there is any hint on the Xavier Project. The Mayor stated that he can't say anything on Xavier.

L) OTHER REQUESTS TO ADDRESS COUNCIL

Ms. Grote stated that Council has received two requests to address council and that both involve a city dispute over Marsh Avenue. She reviewed the rules to address council to those who had requested to speak, and stated that this is not a dialogue with Council and that council members cannot respond

1. Billy Marshall RE: Dispute with City of Norwood over Marsh Avenue Property.

Mr. Marshall of 4302 Beech Avenue said that the March Avenue property came up for sale in 1995 and his bid got it. He doesn't know what else to say. He has said the truth regarding that.

2. Ron Smith RE: Dispute with City of Norwood and Billy and Jean Marshall over Marsh Avenue Property.

Mr. Smith of 9737 Loveland-Madeira Road, Loveland, OH, introduced himself as the attorney representing Mr. Marshall and his wife, Jean. He started by saying that Council is aware of the dispute over property on Marsh Avenue. Mr. Marshall purchased the property on Beech Avenue in 1974. He has lived there for 36 years. He has gotten permits often from the city. Previously he bought property from the city in 1984. In 1995, he bought the property which is the transaction at issue. Mr. Marshall went through the same process as before. He submitted his bid. The bid was accepted and he paid for the property and was given the deed. The deed was delivered to him and accepted. The deed was prepared by the Assistant Law Director and signed by the Safety-Service Director. This all happened in April of 1995. The deed is dated April 7, 1995. Mr. Smith had copies for Council to see if needed. He continued stating that Mr. Marshall has always maintained the property since he obtained it. The property crosses Beech and dead ends into I-71. Since 1995 the property has been maintained by Mr. Marshall and he obtained a permit to install a fence. Mr. Marshall has expended his time and money to maintain the property. Both parties have expended time and money on this suit. Mr. Smith stated that he and his party have submitted a proposal of settlement that he believes is positive for the city and for the Marshalls. He said that he would hope that Council will consider it or reconsider, if necessary. He thinks it is in the best interest to save time and money for the city and the Marshalls. He mentioned that if you are familiar with the property, it is not property to be developed. It is unimproved property and of no value. He and his clients would like to resolve this. Mr. Marshall has maintained the property and it seems unfair to lose it at this point. They will consider any alternatives or suggestions that the city may have. He then asked if there were any questions from Council. Council had no questions.

M) UNFINISHED BUSINESS

Mr. Moore said that Mr. Thornbury had asked about the Xavier Square Project. He stated that there is no way in this credit market that a private developer can do a project that size. It is more likely to be done in pieces. He said not to expect a big unveiling of the whole project. With the credit market, it is tough to build on spec. He wants to

thank the Mayor and Mr. Stoker for the Business Summit. People have said to him that it is good to see someone finally doing something. He learned of money from the State that is available, such as site prep money, but it was for cornfields. Now the state has started to put money into urban core development.

N) NEW BUSINESS

Mr. Sanker stated that the Mayor forgot to mention his request for executive session. Ms. Grote said that she was going to ask about that and it will be considered after New Business.

Mr. Schnieder announced that on September 11th there will be a prostate cancer run/walk. You can call 366-3400 to register or get more information. This event is being put on by the Urology Center. The date and time are September 11, 2010 at 8:00 am.

O) COMMUNICATIONS

There were no communications to discuss.

Ms. Grote stated that there was a request by the Mayor to go into executive session to discuss contract negotiations. She asked the Mayor if he still wants that. The Mayor responded, saying, "Yes." On a motion by Mr. Mumper, seconded by Mr. Thornbury, it was moved to go into executive session to discuss contract negotiations. All members present voted, "Yes."

Council went into Executive Session to discuss contract negotiations.

The meeting was called back into Regular Session.

P) EXCUSES ABSENT MEMBERS

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

Q) ADJOURNMENT

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

Cassandra Brown
Clerk of Council

Jane M. Grote
President of Council