



Norwood City Council Council Chambers January 26, 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 answered present: Mr. Moore, Mr. Thornbury, Mrs. Laake, Mr. Mumper, Mr. Gabbard, Mr. Sanker, and Mr. Schneider.

E) AMENDMENT OF AGENDA

On a motion by Mr. Mumper, seconded by Mrs. Laake, it was moved to amend the agenda to add 2 resolutions Honoring J. Brian Mumper and Rick Dettmer before the minutes are read, to add 1 resolution honoring Chuck Barlow after the introductory reading of the ordinances, and to add the law director's year end report to administration reports. All members present voting, "Yes."

F) INTRODUCTORY READING OF RESOLUTIONS

2. RESOLUTION HONORING J. BRIAN MUMPER FOR HIS SERVICE TO THE CITY OF NORWOOD.

On a motion by Mrs. Laake, seconded by Mr. Moore, it was moved to suspend the rules and allow all three readings of the resolution, the 1st in its entirety. All members present voting, "Yes." Mr. J. Brian Mumper was asked to come to the podium where the resolution was read. On a motion by Mr. John Mumper, seconded by Mr. Thornbury, it was moved to pass the resolution. Mrs. Laake pointed out Mr. J. Brian Mumper's participation at the Holy Trinity festival as another way he serves the community. All members present voting, "Yes." Ms. Grote presented Mr. Mumper with a copy of the resolution.

1. RESOLUTIONS HONORING RICK DETTMER FOR A CAREER OF DEDICATED SERVICE TO THE CITY OF NORWOOD.

On a motion by Mrs. Laake, seconded by Mr. Mumper, it was moved to suspend the rules and allow all three reading of the resolution, the 1st in its entirety. All members present voting, "Yes." Mr. Dettmer was asked to come to the podium where the resolution was read. On a motion by Mr. Mumper, seconded by Mr. Moore, it was moved to pass the resolution. Mrs. Laake stated that Mr. Dettmer was appointed and served under three administrations and served well, and she acknowledged that the Norwood Chamber previously honored him as Man of the Year. She thanked Mr. Dettmer for all the work he has done. Mr. Mumper stated the Mr. Dettmer was a behind the scenes worker and was glad to see him accepting the resolution. Mr. Sanker said the administration and the Community Development Committee will miss his expertise in community development. Many items were added to development agreements for the benefit of the city from Mr. Dettmer's efforts. Mr. Gabbard added that Mr. Dettmer will be missed. He was always willing to explain economic development subjects, and achieved great results for the city. Mr. Thornbury said that Mr. Dettmer's work was outstanding. While other cities are declining and struggling, Norwood stands above a lot of problems and that is a testament to Mr. Dettmer. Mr. Moore thanked Mr. Dettmer and said that he learned a lot from him about community development. The City is better off with Mr. Dettmer's help. Mr. Schneider recognized Mr. Dettmer's hard work and late hours with Public Works and his willingness to teach and mentor others. The Mayor said that Mr. Dettmer told developers that Norwood wanted High Density Class A developments. Mr. Dettmer has assured the Mayor that he is available for assistance

with issues and that the Mayor may contact him. Mrs. Laake said that the city block around City Hall is a testament to Mr. Dettmer.

Mr. Dettmer thanked those with whom he has worked and those who were dedicated to working for the city. Thanks to all who helped with Norwood's progress. All members present voting, "Yes."

G) MINUTES OF PREVIOUS MEETINGS

Approve the minutes January 12, 2010.

On a motion by Mr. Moore, seconded by Mr. Schneider, it was moved to approve the minutes as if read. All members present voting, "yes."

H) REQUEST TO ADDRESS COUNCIL ON AGENDA ITEMS

There were no requests.

I) INTRODUCTORY READING OF ORDINANCES

1. ORDINANCE ADOPTING THE PLAN OF OPERATION AND GOVERNANCE FOR NATURAL GAS AGGREGATION PROGRAM AND DECLARING AN EMERGENCY.

On a motion by Mr. Moore, seconded by Mr. Schneider, it was moved to have an introductory reading of the ordinance. Discussion followed. Mr. Schneider asked if there was a representative from Integrys to answer questions. Brenda Coffey of Integrys Energy Services and Spence Faxson of Energy Alliance/Integrys were present to answer questions. Mr. Schneider asked if the document presented tonight was put together by Integrys, which is a result of the gas aggregation ballot issue that the citizens voted on and the public hearings that were held. Ms. Coffey answered that Integrys did put together the document and it will be filed with PUCO to certify Norwood as a gas aggregator. Mr. Schneider asked if other communities are doing the exact program, and how is ours different. Ms. Coffey said it was virtually the same program. Mrs. Laake noticed different rate options and asked if council determines which option to use. Mr. Faxson answered that they would make a recommendation to the city. Other communities have gone with locked-in with flex down. Ms. Coffey added that the initial intention is to go with a lockdown rate, but that depends on the price of gas when we start. They may advise variable pricing if the gas prices are going down. Mr. Faxson stated that some communities have started with the variable pricing at first. Mr. Schneider asked if Integrys will be working with the Safety-Service Director on those decisions or if that will come back before council. Ms. Coffey said that it depends on what we want to do. Some communities have designated a contact person. Others have not taken the time to go through all the procedures. If we want quarterly reports, Integrys will do that. She has heard some concerns that the document asks communities to do a lot of things, but they, as consultants, do all the administrative work to get the program going. The Program does designate Integrys to do all the work. We could also do work ourselves, but they are willing to do what suites our wishes. Mr. Sanker acknowledged that the issue of administrative roles has come before Norwood Council before. He doesn't want to sign off on this and then find out later that there is a lot of work for the city to do. Mr. Faxson stated that in working with other communities, no additional responsibilities have been added for them. Integrys develops the paperwork and bring it to the city for approval. PUCO designates paperwork requirements. Ms. Coffey said that section 4.3 of the agreement says that Integrys acts as our consultant and we have an agreement with them. They will do everything for us. Mr. Schneider asked how calls during opt-out time would be handled. City hall would direct citizens to call an 800 number. Mr. Faxson and Ms. Coffey would handle community calls personally. Mr. Mumper asked if the Mayor had some concerns and asked the Mayor if he had any more questions. The Mayor said his concern has been discussed but that the administration would not be taking on extra burden for this. Ms. Coffey said they would handle it. The mayor stated that the introductory reading gives us time to amend the agreement for the city. Ms. Coffey said the intention of section 4.3 is that Integrys will assist the city and do anything required by the city. This is Norwood's program. The program must be done by a governmental aggregator, but Integrys will do what is required to take responsibilities for personnel and expertise. Mr. Sanker asked if there is any annual reporting required. Ms. Coffey

said that PUCO requires forms annually and that Integrys prepares the forms and sends them to the city for signature and then she forwards them on to PUCO. The City must be recertified every 2 years and Integrys does that paperwork and sends it to the appropriate authorities. Mr. Moore said he understands the Mayor's concerns and appreciates the explanation of the administration by Integrys of the program. He would like to work out that Integrys do all the work. Mr. Schneider said that the language of the document alludes to that and gives us the ability to hold Integrys to their word. We dictate what they do for us. He is not sure how we would change the wording to make it more forceful. All members present voting, "Yes."

2. ORDINANCE TO CHANGE APPROPRIATIONS FOR THE YEAR 2010; AND DECLARING AN EMERGENCY.

On a motion by Mrs. Laake, seconded by Mr. Moore, the motion was made to suspend the rules and have all three readings of the ordinance. Discussion followed. Mr. Moore asked a question of the Auditor, Mr. Stith, as to whether or not we need to appropriate money for the Montgomery road project for the deadline on January 28, 2010. Mr. Stith answered that these are changes for a specific situation for revenue which came in and we now have a bill to pay. Regarding the \$400,000 for the Montgomery Road project, he did not add it on this ordinance because he thought it warranted more discussion. He said it was not clear as to what fund that should be added to, street or capital project 3, which was a decision council should make. Mr. Stith also stated that we have to say where funds are coming from and set up a transfer key in that area of the budget to move money into that key. It's not as simple as adding it to an ordinance and he thinks it requires further discussion. Mr. Moore inquired further, stating it seemed a decision was made not to do anything about Montgomery Road. He stated it appears we do not have the option to decide tonight. Mr. Stith stated it is council's decision to pay for it and how. He did not add a line because there are too many questions to get answered such as where is the money coming from and where does it post in the budget. These are not decisions for his office to make. Council could add a line to the ordinance tonight and make a decision to pass. He stated he was in no way blocking the Montgomery Road project. Given the complexity of funding, he felt that was not his decision to make. Mr. Mumper asked the chairman of the Finance Committee, Mr. Schneider, if we are ready to appropriate \$400,000 for the Montgomery Road Project. Mr. Schneider stated that there is a letter on his desk from the Mayor stating that we need to watch our funds. Mr. Schneider stated that the Mayor stated in his letter that it is time to be cautious. In talking to the auditor in Finance Committee meetings, with the 3% raise to employees and the increase in health care, we are flat-lined on our budget. We don't have any additional income coming in. Mr. Schneider stated he doesn't know where we are going to get the \$400,000. This is not the Auditor's mistake that the project is not going through. Mr. Schneider stated that the Safety-Service Director has the ability to put ordinances on the agenda. He can go straight to the Law Director and ask for an ordinance for funding. This should not be an attack on the Auditor. Mr. Schneider stated that the Mayor is in charge of street projects. After getting a letter from the Mayor to be cautious with our budget, Mr. Schneider questions if we should do the project, as he doesn't see how we can. Mr. Schneider stated that in the letter the Mayor mentions a reserve of \$750,000 that he doesn't want us to use and doesn't want the \$400,000 set aside for streets used as that is for matching funds. Mr. Moore thinks this is the time to have discussion. We knew about the raises and the health insurance, so Mr. Moore questioned why are we saying not to do this. Mr. Moore stated he did not understand why we would pass up outside money to do street repair. He would like to make a motion to amend the ordinance, but would like the Auditor to suggest what key we put it in. Mr. Sanker asked the Auditor what the odds of the paperwork getting done with the deadline of January 28th. Mr. Stith said that the budget concerns him. He is concerned with tacking on \$400,000 knowing our budget issues. We must be very specific as to where the funds are coming from. Getting a phone call to produce paperwork is not his office's job. They help the Finance Committee as directed by that committee. Mr. Stith stated we must appropriate funds as well as ensure funds are on the certificate of estimated resources and must show the revenue source, and create a way for revenue to move in. These are the questions that need to be raised. What to put on paper is the question and the answer should come from council. Mr. Sanker stated he wasn't sure who should complete the paperwork. He felt that Montgomery Road was

a 10 year plan for the city, and this is a time to finish it possibly. Mr. Mumper asked the Mayor what would happen if we don't get the check out on the 28th of January, is the project finished, or can it be extended? The Mayor answered that the project may come back later on, but would be pushed down on the list. Mr. Schneider asked why the Safety-Service director, who works for the Mayor, did not ask for an ordinance to be prepared if he knew it needed to be passed and has the ability to ask that it be completed. The Safety-Service Director, Mr. Geers, said there was an ordinance authorizing us to enter into a contract last meeting. Mr. Geers said that he does not ask for appropriations. Ms. Grote said that the ordinance before us deals with Pace, but council is off-topic. She suggested the ordinance be amended or we go back to the original topic before council. Mr. Moore asked the auditor if we're going to change the exhibit and add a line saying to take money out of fund 2 for \$402,000, would that be enough to issue a check for Thursday, or do we need another ordinance transferring the money. Mr. Stith replied that if you want to add to fund 2 now, you could do that and pay out of fund 2 and it could come out of street subsidy. If you want to use capital projects fund 3, you must create a subsidy line in general funds and appropriate in to that key to move money from the general fund into that fund. He added council should decide to pay for the project out of the general fund using existing street subsidy or use a new key. Mr. Moore asked if it makes a difference if fund 2 or capital fund 3 is used. Mr. Stith replied that it doesn't make a difference. He stated you can create a sub-key to manage funds going through. Mr. Moore asked if the correct fund is 02-0852-7200. Mr. Stith answered, "Yes." Mr. Moore said that he has the temporary appropriations for 2010 and sees that the fund was originally appropriated \$300,000 for contractual. Would an increase of \$150,000 be enough to cover the project? Mr. Stith said that would be correct.

On a motion by Mr. Moore, seconded by Mr. Mumper, it was moved to amend exhibit A to add \$150,000 to fund 02-0852-7200 for street maintenance and repair. Mr. Schneider advised caution with the budget and that we look closely at street projects, but money is tight. We may have to turn down matching funds. Mr. Moore thinks we should move forward on the project as infrastructure repair is important. He thinks we can sacrifice funds in the budget. Mrs. Laake said Montgomery Road needs to be done, but questions why we need \$150,000 moved. Should we compromise on taking \$150,000 from the \$750,000 economic development fund. Mr. Schneider said he will take that into consideration at the budget meetings and will analyze our budget. Ms. Grote stated the amendment was to the exhibit but she would like a new motion on the ordinance.

On a motion by Mr. Moore, seconded by Mr. Mumper, it was moved to amend the exhibit as stated. All members present voting, "Yes."

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 with amended exhibit. All members present voting, "Yes."

On a motion by Mr. Moore, seconded by Mr. Mumper, it was moved to pass the ordinance with the amended exhibit. All members present voting, "yes."

3. ORDINANCE CREATING AND ESTABLISHING THE LINDEN POINTE CAPITAL PROJECTS FUND, AND DECLARING AN EMERGENCY.

On a motion by Mrs. Laake, seconded by Mr. Thornbury, it was moved to suspend the rules and have all three readings. Discussion followed. Mrs. Laake stated that it was by a request by the state auditor that we set up the fund. Mr. Sanker asked the Auditor how we reported it before; the state seemed to find it acceptable in the past. Mr. Stith explained that the state is always upgrading regulations and that it was brought up at a previous audit that each TIF should have 3 separate funds; a debt service fund, a school fund and a capital projects fund. Some capital projects are moving through now with developers so we have to set this up. These new regulations from the state were set up 2 years ago. There are two types of debt; deposits from developer must be tracked in a special fund. The Auditor of the State decided debt in escrow funds must be brought onto the books. It does not add to the city debt, but it must be on our notes. Mr. Sanker asked the Law Director, Mr. Kiser, if this affects any existing TIF agreements. Mr. Kiser said there is no problem for the agreements and we only have requirements to take the steps necessary to establish funds needed for the agreement.

On the previous motion, all members present voting, "yes."

On a motion by Mrs. Laake, seconded by Mr. Mumper, it was moved to pass the ordinance. Mrs. Laake stated that the reason for emergency is the need to comply with title 57. All members present voting, "Yes."

4. ORDINANCE CREATING AND ESTABLISHING THE CORNERSTONE SPECIAL DEBT SERVICE FUND 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. Discussion followed. Mr. Moore asked Mr. Stith if this ordinance is an indication that payments in lieu of taxes are not enough to cover payments and they are making extra payments. Mr. Stith said that no, this was only for bookkeeping issues. It does not change the flow of money only the techniques of reporting. It is for tracking escrow funds from developers and they do not want funds mixed with bond payoff.

On the previous motion, all members present voting, "yes."

On a motion by Mrs. Laake, seconded by Mr. Schneider, it was moved to pass the ordinance. All members present voting, "Yes."

J) ADMINISTRATION REPORTS

1) The Auditor, Jim Stith was present. He supplied council with certification of dollars in each fund. He stated that 2009 was closed out on January 14, 2010 and he has the year end figures. The post audit of 2008 CAFR will be released to the public in about 10 days. The Auditor's Report for the year ending 2009 went out, but there are also supplements to make the report easier to understand. Revenues and expenses are pretty much the same. There was a \$2,170,000 carry-over. The report also shows where income comes from.

On the monthly earnings tax report, there are big spikes in earnings tax revenue in April and October. The April spike is not to be expected again. It represents a single payout from one company, so as we do projections, revenues will be lower for 2010. Revenues and expenses are flat, but now we know we have a decrease in revenue and an increase in expenses. The message for 2010 is caution. The city is already spending the \$2,100,000 carry-over to make it. Not much can be changed, only a small fraction of materials, supplies and contractual can change. There is only a little bit left over after we pay personnel and bills.

Mr. Stith stated he hired someone new in the Auditors Office. After an extensive hiring process with 15 resumes received and 9 interviews done, he has appointed Audrey Brown (nee Brockman) as of January 25, 2010. Ms. Brown is a Norwood Grad from the class of 1987. She will be starting in the office on February 8, 2010.

2) Ted Kiser was present to give a Law Director's Report. It is required by statute that he gives an annual report including the Mayor's Court fines. The Law Department's responsibilities include representing the city on workers' compensation claims, civil and common pleas, major litigation, EEOC complaints, liquor license objections, juvenile and Mayor's Court dockets, and also any Mayor's Court cases that get transferred downtown. They also draft ordinances, resolutions, and contracts and work with code enforcement officers.

Last year's highlights were the Empire Tavern liquor license, which is now defunct and moving for dismissal of appeal. There was a Zoning appeal with a full hearing with 13 witnesses. We won the case and the property was torn down; and successful work with code enforcement. He'd like to thank Chris Brown and Sharon Harris for their hard work. Mr. Kiser requested that council receive and file his report. Thanks to the council and the citizens and voters for their work and support.

On a motion by Mrs. Laake, seconded by Mr. Mumper it was moved to receive and file the Law Director's Report. All members present voting, "Yes."

3) Ms. Grote stated the Mayor said he would take some questions. Mrs. Laake asked him to comment on the American Legion issue. The Mayor responded that it was a party with excessive attendance of 400-500 people. The officers did a good job disbursing the crowd. Apparently, a flyer went out advertising the event that attracted the crowd. The Chief talked to the American Legion leadership and was assured that it won't happen again. They feel they were conned. Officers were sent from other

districts to assist. Mrs. Laake said in her opinion it was not an over-reaction by the police. Many police divisions were present and assisted. Some American Legion members are embarrassed by the event. The Mayor said he would take their word that it will not happen again. The police department's intentions were to disburse people. Mr. Gabbard wanted to know if we, as a city, will be following up in any manner with all places that could potentially rent out, that if they're going to have a function where they will meet capacity, are they to inform police of such an event so police can drive by. Does council need to come up with a form for events to inform police of a function? The Mayor said he will speak to the chief on that. There are not a lot of places that can hold a lot of people. He doesn't know of any place in Norwood that can hold a large event like this. Mr. Mumper stated that people on Baker Street are experiencing problems with The Fun Factory, like excessive traffic. He requested the city please look into things there. The Mayor said he will. Mr. Sanker asked if he had any feedback on disbursement of the H1N1 vaccine. The Mayor said that one clinic had to be rescheduled due to weather. The demand for the vaccine has dropped although health officials are expecting the flu to peak in March. Nothing is scheduled at the moment. Mrs. Laake commented that early in the H1N1 season, distribution was tiered for those most at risk. Now it is open to everyone. Clinics are scheduled, but anyone can stop in for a vaccine.

K) ADDRESS COUNCIL

There were no requests

L) UNFINISHED BUSINESS

None

M) NEW BUSINESS

Mr. Mumper attended a recreation commission meeting last week. It was not official due to lack of commissioners in attendance. They have applied for a grant from Pepsi for \$250,000. The program is called The Pepsi Refresh Project. Our request is named Refresh Burwood Park and Pool. Please go to www.refresheverything.com to vote for our project from February 1st-28th. The project with the most votes gets the grant money. Also go to www.noreco.org for a sample of what we applied for. More information is coming about voting and the Recreation Dept. will post flyers

Mrs. Laake got an e-mail from Ron Pennington who put up a challenge for Norwood doing the Fight for Air Climb. It is a fundraiser for the American Lung Association. The event is a climb of 804 stairs to the top of Carew Tower. Ron would like to organize a Norwood Team. Call Donna and she will forward your name to Ron.

Mr. Sanker wants us to send a note to the Safety-Service director to look into a street light on Forest Avenue hanging over the overpass under the tunnel. The light is out. Are we responsible for it? Also, on Ross Avenue, across from Norco, a water main was dug up. The fill was level, but has now begun to sink.

Mr. Sanker complimented Public Works and crew on snow removal.

N) COMMUNICATIONS

1. Letter from the Mayor RE: Appointment of John Hanrahan to the Tree Board
On a motion by Mr. Mumper, seconded by Mrs. Laake, it was moved to receive and file the letter and approve the appointment. All members present voting, "Yes." Mrs. Laake stated that she was happy to have Mr. Hanrahan and Mr. Wolf on the Tree Board.

2. Letter from the Mayor RE: Appointment of Joe Wolf to the Tree Board
On a motion by Mr. Mumper, seconded by Mrs. Laake, it was moved to receive and file the letter and to approve the appointment. All members present voting, "Yes."

3. Letter from the Mayor RE: Appointment of Andy Conlon to the Planning Commission
On a motion by Mrs. Laake, seconded by Mr. Moore, it was moved to receive and file the letter and approve the appointment. All members present voting, "Yes."
Mr. Mumper stated that it was another good appointment.

O) EXCUSES ABSENT MEMBERS

All members were present.

P) ADJOURNMENT

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

Cassandra Brown
Clerk of Council

Jane M. Grote
President of Council

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