



## Norwood City Council Council Chambers August 12, 2014

### **A) CALL TO ORDER**

The Council of the City of Norwood met in a regular session on August 12, 2014 at 7:30 PM with Donna Laake presiding. The meeting began with a prayer and the Pledge of Allegiance.

### **B) PRAYER**

### **C) PLEDGE OF ALLEGIANCE**

### **D) ROLL CALL**

On roll call, Mr. Breadon, Mr. Clark, Mr. Whittington, Ms. Allan, Mr. Thornbury, Mr. Sanker, and Mr. Mumper answered "present".

### **E) AMENDMENT OF AGENDA**

Several items were presented to Council to be added to the agenda.

An ordinance adopting the recommendation of the Planning Commission:  
"ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO REZONE CERTAIN PARCELS WITHIN AN AREA BOUNDED BY LEXINGTON AVENUE TO THE NORTH, MONTGOMERY ROAD TO THE WEST, THE CORPORATION LINE TO THE SOUTH, AND ELSMERE AVENUE TO THE EAST, NORWOOD, OHIO 45212 FROM A "HEAVY MANUFACTURING DISTRICT" (M-2) ZONE TO THAT OF A "GENERAL BUSINESS DISTRICT (PLANNED UNIT DEVELOPMENT)" (GBD-PUD) ZONE."

was placed as item 1 under section J Introductory Readings of Ordinances.

An ordinance adopting the recommendation of the Planning Commission:  
"ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO REZONE AN AREA COMPRISED OF PARCELS 651-0049-0073, 651-0049-0074, 651-0049-0075, 651-0049-0076, 651-0049-0328, 651-0049-0329, 651-0049-0337, 651-0049-0339, 651-0049-0318, FROM ONE-FAMILY AND TWO-FAMILY RESIDENCE (R-2) AND LIGHT MANUFACTURING (M-1) ZONING DISTRICTS TO NEIGHBORHOOD BUSINESS DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY (NBD/PUD)"

was placed as item 2 under section J Introductory Readings of Ordinances.

The ordinance promoting the City Wide Street Sale was placed as item 1 under section I Third Reading of Ordinances.

Mr. Thornbury, seconded by Mr. Mumper, motioned to amend the agenda as stated. All present voted "yes". The agenda was amended.

### **F) MINUTES OF PREVIOUS MEETING**

1. Minutes from July 8, 2014

Ms. Allan, seconded by Mr. Clark, motioned to approve the minutes as read. All present voted "yes". The minutes were accepted.

### **G) PUBLIC HEARING**

1. Rezone an area bounded by Montgomery Road at the west, Lexington Avenue on the North, Regent Avenue at the east and Norfolk and Southern right-of-way on the south from Heavy Manufacturing zoning district (M-2) to General Business District with a Planned Unit Development overlay (GBD/PUD) the following parcels; 065100390042, 065100390043, 065100540131, 065100570074, 065100570054, 065100570057, 065100570058, 065100570060, 065100570061, 065100570062,

065100570064, 065100570065, 065100570068, 065100570069, 065100570070, 065100570071, 065100570059, 065100570067, 065100570072, 065100390041, 065100540132, 065100570055, 065100570053, 065100570073, 065100570075, 065100570080, 065100540130, 065100570063, 065100570056, 065100570066:

The Public Hearing opened.

No one spoke in favor of the proposed zone change.

Margaret Wehmeyer, of West Norwood, spoke out against the proposed zone change.

In Summary:

Ms. Wehmeyer stated that her opposition was not because she took issue with the proposed change, but rather that so few people were in attendance for the Public Hearing. Ms. Wehmeyer was critical of the efforts of the City to publicize and explain the proposed change to residents. She also spoke of the need for greater involvement and unity of the community and city government.

No one else spoke in opposition of the proposed zone change.

The Public Hearing closed.

2. Rezone an area comprised of parcels 065100490073, 065100490074, 065100490075, 065100490328, 065100490329, 065100490337, 065100490339, 065100490318, from One-Family and Two-Family Residence (R-2) and Light Manufacturing (M-1) zoning districts to Neighborhood Business District with a Planned Unit Development overlay (NBD/PUD)

The Public Hearing opened.

No one spoke in favor of the proposed zone change.

No one spoke against the proposed zone change.

The Public Hearing closed.

3. Amendment to table 141.1 Central Business District Zone of the Norwood Zoning Code.

The Public Hearing opened.

No one spoke in favor of the proposed amendment.

No one spoke against the proposed amendment.

The Public Hearing closed.

#### **H) REQUEST TO ADDRESS COUNCIL ON AGENDA ITEMS**

Elaina Hammock who resides at 5227 Carthage Ave. addressed council concerning issues regarding her neighbor's home located at 5229 Carthage Ave.

In Summary:

Ms. Hammock complained that her neighbors at 5229 Carthage have disassembled downspouts on their property and that as a result, Ms. Hammock's basement has flooded numerous times. Ms. Hammock stated that she has had to clean mold from her basement on 6 different occasions, because of this issue. Ms. Hammock provided pictures of both her basement and the neighbor's property to demonstrate these issues. Ms. Hammock gave a history of the problem and her interaction with the City of Norwood and the Norwood Building Dept. Ms. Hammock stated that she

believed her neighbor is out of compliance with requirements of the building code and described the Building Dept. as rude, unprofessional, and ineffective in addressing her complaint. Ms. Hammock also provided additional documentation to Council to support her claims.

**I) THIRD READING OF ORDINANCES**

ORDINANCE PROMOTING THE “CITY WIDE STREET SALE” AND ABATEMENT OF ALL PERMIT FEES ASSOCIATED WITH THE SALE, AS AMENDED

Mr. Clark, seconded by Mr. Mumper, motioned to have the third reading of the ordinance. All present voted “yes”. The third reading was held.

Mr. Clark, seconded by Mr. Mumper, motioned to pass the ordinance. All present voted “yes”. The ordinance passed.

**J) INTRODUCTORY READINGS OF ORDINANCES  
INTRODUCTORY READINGS OF RESOLUTIONS**

1. ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO REZONE CERTAIN PARCELS WITHIN AN AREA BOUNDED BY LEXINGTON AVENUE TO THE NORTH, MONTGOMERY ROAD TO THE WEST, THE CORPORATION LINE TO THE SOUTH, AND ELSMERE AVENUE TO THE EAST, NORWOOD, OHIO 45212 FROM A “HEAVY MANUFACTURING DISTRICT” (M-2) ZONE TO THAT OF A “GENERAL BUSINESS DISTRICT (PLANNED UNIT DEVELOPMENT)” (GBD-PUD) ZONE.

Mr. Thornbury, seconded by Mr. Breadon, motioned to have the first reading.

During discussion, Mr. Sanker asked Assistant Law Director Chris Brown to provide an explanation of the details surrounding the ordinance.

Mr. Brown provided a background explanation of the ordinance. The purpose of the ordinance is to bring these highlighted parcels of land into compliance with the comprehensive amendments of the zoning code that were adopted in 2013. The intention of the City is to correct the zoning of areas that are not in accordance with current plans to promote economic development.

Mr. Brown described the location of the property as a 9 acre parcel currently owned by Norfolk and Southern railroad known locally as “the yards”. This area is currently zoned M-2 which allows for commercial uses like Heavy Manufacturing which would be inappropriate considering the recent changes and daily use of the area surrounding the yards which has been heavily redeveloped for retail, residential, and other light forms of commerce.

This particular property is currently of interest to both the University Station Project undertaken by Xavier University and also the Wasson Way Project. The purpose of the zone change is to zone the property as a commercial use general business district to match the surrounding area. The purpose of the PUD overlay is to allow the city to have a greater say regarding the use of this property if it is redeveloped. This site is one of the few remaining large areas of contiguous land left undeveloped within the city and both of these changes are meant to protect the integrity of the area by providing the city the capacity to influence any future development at this location.

Mr. Sanker asked Mr. Brown for an explanation of an M-2 zone and the types of operations that could be placed at this location without a zone change. Mr. Brown provided background information regarding operations that would be legal under this zone. It included light retail operations like a check car dealership or dollar store up

to heavy industrial uses such as concrete recycling and chemical manufacture. Theoretically, an M-2 Zone would also allow for a sexually oriented business at this location.

This measure is designed to protect the integrity of the area by providing a very clear expectation to prospective developers regarding how this parcel should be developed.

Mr. Mumper asked Mayor Williams for his comments and thoughts regarding the zone change.

The Mayor emphasized the forward looking nature of this zone change and described the close communication and work between his office and the Law Dept. The Mayor emphasized the importance of making these changes before the property is developed. If the property were to be developed before these changes, the city's ability to impact a business not fitting the character of the neighborhood and surrounding developments would be limited. The Mayor also spoke of other areas throughout the city where these similar changes have been made.

The Mayor also responded to earlier criticism of the city's efforts to inform the public of the zone changes on the agenda before Council. The city notifies all residents within the legally required proximity to areas surrounding any proposed zone changes. President Laake also stated the Clerk of Council's office publishes notices of Public Hearings in the Cincinnati Enquirer.

All present voted "yes", in regard to having the first reading. The first reading was held.

2. ORDINANCE ADOPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO REZONE AN AREA COMPRISED OF PARCELS 651-0049-0073, 651-0049-0074, 651-0049-0075, 651-0049-0076, 651-0049-0328, 651-0049-0329, 651-0049-0337, 651-0049-0339, 651-0049-0318, FROM ONE-FAMILY AND TWO-FAMILY RESIDENCE (R-2) AND LIGHT MANUFACTURING (M-1) ZONING DISTRICTS TO NEIGHBORHOOD BUSINESS DISTRICT WITH A PLANNED UNIT DEVELOPMENT OVERLAY (NBD/PUD)

Mr. Thornbury, seconded by Mr. Clark, motioned to have the first reading.

During discussion, Ms. Allan asked Asst. Law Director Brown to provide an explanation of the area affected by the zone change. Mr. Brown described the area as an inverted L starting at the Fun Factory along Sherman Ave. to past the parking lot at Upper Mill Crest Park to a small industrial shop on Lincoln Ave. The purpose of the ordinance is to bring the area into alignment with the existing Neighborhood Business District Zoning of the surrounding area.

The Fun Factory site is currently an M-1 Zone which would allow for fueling stations, auto repair service, and other uses that would be inappropriate for the area. By rezoning it as an NBD zone it protects the integrity of the area by proactively setting the requirements and guidelines for how this area would be best developed to benefit the city.

Mr. Brown recommended having all three readings, because the small industrial shop will be going on the market for sale soon and that having the new zoning in place would benefit the sale by providing clarity regarding acceptable future uses for the location.

After receiving clarification regarding the date for when this ordinance would take effect, Mr. Thornbury amended his motion to have all three readings. Mr. Clark amended his second as well to include all three readings.

All present voted "yes". All three readings were held.

Mr. Clark, seconded by Mr. Breadon, motioned to pass the ordinance.

All present voted “yes”. The ordinance passed.

3. AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF 2,000 TONS, MORE OR LESS, OF SALT AT BULK RATE.

Mr. Thornbury, seconded by Mr. Mumper, motioned to suspend the rules and have all three readings of the ordinance. All present voted “yes”. All three readings were held.

Mr. Mumper, seconded by Ms. Allan, motioned to pass the ordinance. All present voted “yes”. The ordinance passed.

**K) ADMINISTRATION REPORTS**

1. Letter From The Mayor

RE: Addressing Council

Mayor Williams addressed council on a number of topics during the meeting.

In Summary:

He provided a status update regarding the railroad crossing gates being installed at Norwood Ave. and Linden. This is the result of federal requirements and grant funding. The Mayor discussed the possibility of crossing gates being installed at Forest and Harris in the event that the city cannot repair the crossing. Mayor Williams mentioned that he is working with Councilman Sanker to find a solution to this problem.

The Mayor also informed Council that the Crown Ave. Street Project is soon to begin and that the bidding process for the Edmonson Rd. Street Resurfacing Project will also be opening next week.

The Mayor spoke at length regarding “Pitbull” dogs. He expressed the hope and desire that “we would find a solution” in regard to this issue. He mentioned recent events documented by the news media regarding pitbull attacks on a child and also a fatal pitbull attack regarding a local woman. He described the nature of these attacks as “ridiculous” and “inevitable” unless we take action. The Mayor expressed his disgust for outside “special interest” groups who advocate for pitbulls. He expressed his beliefs at the devastating and aggressive nature of pitbulls and their powerful “tearing” bite.

The Mayor also spoke at length regarding housing inspections and the state of rental property in the city. He said that he was assembling a committee to provide him with real recommendations for action to correct the moratorium placed upon the inspections and the rental certification program. He expressed the need to correct this now and cited an internal disciplinary action against a city employee that is still pending as partially at fault for the current situation. The Mayor was also critical of “special interest groups” who filled Council Chambers the last time this issue was addressed. He mentioned a landlords association and stated that unless they are residents of Norwood that he ‘does not care what they think’. He stated that this city was in need of an aggressive clean up and that the inspection process must be changed as “economically as best we can”. The Mayor discussed an earlier idea that he had for including a property owner that lived within the city, but he then later decided to have Donna Laake and other members of the committee choose new members to join the committee and invite participation of other members of the city government. The rest of his report regarding this issue was devoted to generalized accounts of past activity and his reactions to them.

Ms. Allan thanked the mayor for taking leadership on this issue.

**L) OTHER REQUESTS TO ADDRESS COUNCIL**

1. Mike Weigel, who resides at 1816 Wolfangel in Anderson Township, addressed Council regarding the rental certification program

In summary:

Mr. Weigel expressed concern regarding the moratorium placed upon the rental certification program. He stated that he has tried to provide payment for certification at his property and is unable to do so. He stated that he does not understand why the city has not been willing to accept payment and expressed concern regarding the impact of this lost revenue for Norwood. Mr. Weigel also discussed the building department in regard to the present limited capacity to conduct building inspections. He discussed his concerns regarding any coming changes to the building dept. and how they might impact his business.

2. Jeannie Sickinger, who resides at 3944 Elsemere Ave., informed Council of a Farmer’s Market located on Elsmere Ave. next to the Korean Methodist Church on Saturday from 10 AM to 12 PM. At the same time the groundbreaking of the Williams Ave. Community Garden would also take place. Ms. Sickinger expressed excitement and enthusiasm for both of these projects and described them as high quality, fun, and exciting for the community.

Mr. Thornbury discussed the Community Development Meeting the week before where discussion of the Community Garden occurred. He commended the efforts of the schools in supporting the Community Garden and the great work done to secure grant funding. Mr. Thornbury praised the efforts of Ms. Sickinger and the rest of the volunteers for all of their hard work.

**M) UNFINISHED BUSINESS**

Mr. Sanker reported on the National Police Night Out held on 8/5/2014. He described the event as well attended and a great opportunity for people to interact with the police up close. He praised the participation of everyone involved and gave a brief overview of the events that took place.

**N) NEW BUSINESS**

Mr. Sanker advised the Finance Committee that he is working to coordinate dates for a Finance Committee Meeting.

Mr. Sanker, seconded by Mr. Thornbury, motioned that an Ordinance be prepared to support the proposed changes “Amendment to table 141.1 Central Business District Zone of the Norwood Zoning Code”, as discussed during the public hearing.

All present voted “yes”. The motion passed.

**O) COMMUNICATIONS**

1. Letter from Elena Hammock, RE: Building Department

Mr. Mumper, seconded by Mr. Thornbury, motioned to receive and file the letter and to forward it and supporting documents to Building Commissioner Gerry Stoker with a letter asking for an explanation and background of Ms. Hammock’s complaints.

All present voted “yes”. The motion passed.

Mayor Williams commented on the issues raised by Ms. Hammock. He encouraged Council to gather information and discussed his past involvement with Ms. Hammock. The Mayor stated that he had addressed this with the Building Dept. and said he was informed that there is no Code Violation present regarding her complaint.

Mr. Breadon also discussed communications between himself and Ms. Hammock.

2. Letter from Steven Rump

RE: 2<sup>nd</sup> Annual Disaster Fair

Mr. Sanker, seconded by Mr. Mumper, motioned to receive and file the letter. Mr. Sanker also requested the Clerk of Council to post the event on Facebook to help advertise the event.

All present voted “yes”. The letter was received.

**P) EXCUSE ABSENT MEMBER/S**

**Q) ADJOURNMENT**

Mr. Clark, seconded by Mr. Thornbury, motioned to adjourn. All present voted “yes”. The meeting adjourned.

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**Kenneth J. Crawford**  
Clerk of Council

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**Donna M. Laake**  
President of Council