



# Council Chambers

## March 8, 2016

### A) CALL TO ORDER

The Council for the City of Norwood met in regular session on the above date with Mrs. Donna Laake 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. Bonsall, Mr. Clark, Mrs. Stickley, Mr. Blair, Mrs. Hanrahan, Mr. Sanker, and Mr. Mumper.

### E) AMENDMENT OF AGENDA

On a motion by Mr. Mumper, seconded by Mr. Bonsall, it was moved to amend the agenda as follows: add the letter from Mr. Thomas Lee under the 1926 Mills Avenue Public Hearing, add an ordinance approving the zone change at 1926 Mills, add an ordinance denying the zone change at 1926 Mills, add an ordinance approving the zone change at 4427 Floral, add an ordinance denying the zone change at 4427 Floral, and add a letter from the Law Department. All members present voted, "Yes".

### F) MINUTES OF PREVIOUS MEETING

On a motion from Mr. Clark, seconded by Mr. Mumper, it was moved to accept the minutes of the February 23, 2016 meeting, as if read. All present voted, "Yes".

### G) PUBLIC HEARINGS

#### 1) PUBLIC HEARING TO ADDRESS PLANNING COMMISSION'S RECOMMENDATION ON 1924 (1926) MILLS AVENUE, NORWOOD, OHIO 45212, REQUESTING A CHANGE OF THE ZONING MAP FROM RESIDENTIAL ONE AND TWO FAMILIES (R-2) TO NEIGHBORHOOD BUSINESS DISTRICT

The Public Hearing opened with those speaking in favor of the zone change at 1926 Mills. There were eighteen individuals who spoke in favor of the zone change. Additionally, 51 signed letters in support of the zone change were given to the Clerk of Council to place on file. There was no one who spoke against the zone change; Mrs. Laake then ruled the public hearing "closed." Record of the individuals who spoke during the Public Hearing and a letter in support of the zone change are on file in the Clerk of Council's office.

#### 2) PUBLIC HEARING TO ADDRESS PLANNING COMMISSION'S RECOMMENDATION ON 4427 FLORAL AVENUE ARE REQUESTING A CHANGE IN THE ZONING MAP OF THE CITY OF NORWOOD FROM RESIDENTIAL ONE & TWO FAMILY (R-2) TO OFFICE (O).

The Public Hearing opened with those speaking in favor of the zone change at 4427 Floral. There were ten individuals who spoke in favor of the zone change. Additionally, 26 signed letters of support were given to the Clerk of Council. There were two individuals who spoke against the zone change and three letters against the zone change were read during the public hearing; Mrs. Laake then ruled the Public Hearing "closed." Record of the individuals who spoke during the Public Hearing and three letters opposing the zone change are on file in the Clerk of Council's office.

#### ORDINANCE APPROVING THE REQUEST FOR A ZONE CHANGE OF THE REAL PROPERTY KNOWN AS 1926 MILLS AVENUE, NORWOOD, OHIO FROM R-2 TO NBD.

On a motion from Mr. Mumper, seconded by Mr. Sanker, it was moved to hear the first reading of the ordinance.

Mrs. Laake stated it takes  $\frac{3}{4}$  vote to override the recommendation of the Planning Commission, according to Norwood Codified Ordinances. Mr. Bonsall asked for Mayor Williams to comment on the matter, since he was in attendance at the Planning Commission meeting. Mayor Williams stated West Norwood is just as important as Floral Avenue; if council votes to override one, council should vote to override both. He also stated changes were made to zoning to lock it down; once one is changed, others will follow. Mayor Williams stated this is a great business, but the property is not properly zoned; the business has been operating since November. He also stated yoga or the individuals running the business are not the problem, the zoning is; people have complained about zoning for years. When the zoning laws are adhered to, this is what happens. Mayor Williams expressed concern about changing zoning for this business, and questioned how to handle it for the next one; the city will clear up any

confusion by standing their ground on the zoning. Realtors need to practice due diligence and investigate the zoning prior to the sale of property. The issue is zoning; it is not for or against any individuals or businesses. The zoning should be upheld or it will need to be changed every time someone new comes in. Mrs. Hanrahan stated Mrs. Kassem, who wrote a letter against the zone change on Floral Avenue, owns property two doors away from the Floral Avenue property. Mr. Mumper stated the “restrictive covenant” is not up for discussion with this zone change; adding it would require going back to the Planning Commission for review. Mr. Bonsall asked Mr. Moore for his comments. Mr. Moore spoke about the “restrictive covenant;” the idea is for the city to change the zoning to NBD, and the property owners would execute the “restrictive covenant” as part of the transaction. This would make it more enforceable. He also stated the city isn’t involved in the chain of title transaction. Mr. Sanker stated he is not familiar with the “restrictive covenant” option, and asked Mr. Moore if there is a possibility that a similar ordinance can be presented again to council or if a new Public Hearing needs to take place. Mr. Moore stated if there are only one or two readings, there is time for more discussion and modifications; if the ordinance passes or fails at this meeting, there is nothing else to do. The “restrictive covenant” is a way to give council some reassurance; he recommends not passing either for Mills tonight if that is what Council wants to pursue. Mr. Bonsall added he is purchasing a house two blocks away from the Mills property; he agrees with the letter from Sarah Allen that was read by her husband. Mr. Bonsall is supportive of the business and feels that a business would be the best use for this property; a yoga studio is better use than residential. Mr. Bonsall thanked everyone who has work on this and who will consider it. Mr. Mumper stated Council has always honored the recommendation of the Planning Commission, since they know more about the zoning laws; anything needing to be changed should go back to the Planning Commission to review. He also added Council is not voting on yoga, they are voting for the zone change or against the zone change. Mrs. Hanrahan asked for Mayor Williams’ comments. Mayor Williams stated there will be a separate agreement made to change the zone; if it is made for one (Mills), then it has to be made for both (Mills and Floral); violating the zone is the problem. Mr. Blair believes both businesses would be great for Norwood, but he has to support the Planning Commission. Mrs. Stickley asked when the zoning was changed from business back to residential. Mayor Williams answered by stating if a building is vacant for six months, zoning reverts back to residential. Mr. Moore stated the original zoning for Mills is from 1986; changes have been made to zoning code over the past five years, but the Mills property was not part of those changes. Mrs. Laake added that when zoning was changed, properties were grandfathered; if the building was empty for more than six months, it would revert back to the original zoning. Mr. Bonsall disagrees with the statement that changes being made for one property then have to be made for the second property; each should be considered on individual merits.

Mr. Bonsall voted “Yes,” all other members present voted “No.” By a vote of 1 in favor and 6 against, the motion failed.

#### ORDINANCE DENYING THE REQUEST FOR A ZONE CHANGE OF THE REAL PROPERTY KNOWN AS 1926 MILLS AVENUE, NORWOOD, OHIO FROM R-2 TO NBD.

On a motion from Mr. Mumper, seconded by Mr. Clark, it was moved to suspend the rules and hear all three readings of the ordinance. Mr. Bonsall voted, “No.” All other members present voted, “Yes.” By a vote of 6 in favor and 1 against, the motion carried.

Mr. Bonsall questioned why Council cannot wait two weeks to have additional discussion and see what other options are; he respects the decision of Council and the Mayor but will be voting “No.”

On a motion from Mr. Mumper, seconded by Mr. Clark, it was moved to pass the ordinance. Mr. Bonsall voted, “No.” All other members present voted, “Yes.” By a vote of 6 in favor and 1 against, the ordinance passed.

#### ORDINANCE APPROVING THE REQUEST FOR A ZONE CHANGE OF THE REAL PROPERTY KNOWN AS 4427 FLORAL AVENUE, NORWOOD, OHIO FROM R-2 TO O.

On a motion from Mr. Clark, seconded by Mr. Mumper, it was moved to remove the ordinance to a time indefinite. All present voted, “Yes.”

#### ORDINANCE DENYING THE REQUEST FOR A ZONE CHANGE OF THE REAL PROPERTY KNOWN AS 4427 FLORAL AVENUE, NORWOOD, OHIO FROM R-2 TO O.

On a motion from Mr. Clark, seconded by Mr. Mumper, it was moved to suspend the rules and hear all three readings of the ordinance. All present voted, “Yes.”

On a motion from Mr. Clark, seconded by Mr. Blair, it was moved to pass the ordinance. All present voted, “Yes.”

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

Patrick Woodside, Bond Counsel for Norwood with Frost Brown, addressed Council about the Resolution dealing with TIF (Tax Increment Financing) dollars used for the Central Parke parking garage and other

improvements. This is needed for tax purposes, and is limited to reimbursing capital expenditures no more than sixty days prior; it is a notice of intent and does not create a TIF district or commit the city to enter into any agreements. The main focus is the garage. Mr. Bonsall asked Mr. Woodside about the revenue from the TIF. Mr. Woodside stated this is a way to capture future tax dollars to help build the public infrastructure that supports the project; he also added this does not cost Norwood any tax dollars. There is a separate agreement with the school district; they will receive a portion of the TIF dollars.

#### **I) REPORTS OF STANDING COMMITTEES OF COUNCIL**

There were no committee reports.

#### **J) THIRD READING OF ORDINANCES**

- 1) ORDINANCE AMENDING SECTION 331.03 OF THE NORWOOD CODIFIED ORDINANCES: OVERTAKING, 3 FOOT PASSING DISTANCE FROM BICYCLISTS; DRIVER'S DUTIES; AND AMENDING SECTION 313.09 DRIVER'S DUTIES UPON APPROACHING AMBIGUOUS OR NON-WORKING TRAFFIC SIGNAL.

On a motion from Mr. Bonsall, seconded by Mr. Clark, it was moved to table the ordinance indefinitely. Mr. Bonsall stated he still believes in this ordinance, but it would be best to wait for the state of Ohio to pass something similar first.

All present voted, "Yes."

#### **K) INTRODUCTORY READINGS OF ORDINANCES**

- 1) ORDINANCE PROMOTING THE "CITY WIDE STREET SALE" AND ABATEMENT OF ALL PERMIT FEES ASSOCIATED WITH THE SALE.

On a motion from Mr. Bonsall, seconded by Mr. Clark, it was moved to hear the first reading of the ordinance. All present voted, "Yes."

- 2) ORDINANCE PROMOTING THE "CITY WIDE STREET SALE" AND ABATEMENT OF ALL PERMIT FEES ASSOCIATED WITH THE SALE

On a motion from Mr. Bonsall, seconded by Mr. Clark, it was moved to hear the first reading of the ordinance.

Mr. Sanker stated the dates of the sales: May 20 & 21 and September 9 & 10.

All present voted, "Yes."

#### **INTRODUCTORY READINGS OF RESOLUTIONS**

- 1) RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE THE CITY OF NORWOOD, OHIO FOR TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES WITH PROCEEDS FROM SUBSEQUENT BORROWING; AND DECLARING AN EMERGENCY.

On a motion from Mr. Mumper, seconded by Mr. Clark, it was moved to suspend the rules and hear all three readings of the resolution. All present voted, "Yes."

On a motion from Mr. Mumper, seconded by Mrs. Hanrahan, it was moved to pass the resolution. All present voted, "Yes."

#### **L) ADMINISTRATION REPORTS**

There were no administrative reports.

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

There were no other requests to address Council.

#### **N) UNFINISHED BUSINESS**

There was no unfinished business.

#### **O) NEW BUSINESS**

Mr. Clark thanked the residents who attended the prayer over the city; the next event will take place April 2<sup>nd</sup>, at 1pm, at Norwood City Hall. Mr. Clark also reminded residents of the Hope Over Heroin meeting taking place at Cameron Avenue Church of God taking place Monday, March 21, at 6:30pm.

Mrs. Hanrahan announced a Community Opinion Forum with the Norwood Police Citizens Advisory Group taking place March 16, at 6:30pm, at the Norwood Community Center. Mrs. Hanrahan also mentioned the location of 31 street lights currently not working; she asked residents to contact her about other lights not working before she submits her list. Mr. Bonsall added that Duke Energy has an on-line street light portal to report street light outages. Mr. Clark added that he has used the on-line portal; Duke replaces bulbs in about one week but other repairs take longer. The on-line portal also has a map to identify the location of burned out lights, but having the identification number from the pole is helpful.

Mr. Sanker encouraged residents to use Rumpke recycle bins. During the second half of 2015, Norwood recycled 462.11 tons of material; the city received over \$9,000 in rebates from the Hamilton County Recycling Center because of the amount of material recycled by Norwood residents and businesses. These rebate funds can be used to purchase various recycled or recycling items; park benches and picnic benches have been purchased in the past. If fifty-five more tons would have been recycled in that period, Norwood would have been moved up to the next rebate funding level; residents can contact Rumpke or Norwood Public Works for new or replacement recycle bins. Mr. Sanker thanked everyone who recycles.

**P) COMMUNICATIONS**

1. Letter from the Mayor Re: Mayor's Court Fines  
On a motion by Mr. Mumper, and seconded by Mr. Bonsall, it was moved to receive and file the letter. All present voted, "Yes."
2. Letter from the Law Director Re: Appointment of Energy District Board Member  
On a motion by Mr. Blair, and seconded by Mrs. Hanrahan, it was moved to receive and file the letter and to approve Mr. Mumper as the designee to the Energy Special Improvement District Board of Directors. All present voted, "Yes."

**Q) EXCUSE ABSENT MEMBER/S**

There were no absent members.

**R) ADJOURNMENT**

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

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**Joseph S. Geers**  
Clerk of Council

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**Donna M. Laake**  
President of Council