



Council Chambers

June 12, 2018

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, Ms. Stevenson, Mrs. Hanrahan, Mr. Sanker, and Mr. Breadon; Mr. Thompson was absent.

E) AMENDMENT OF AGENDA

On a motion by Mr. Breadon, seconded by Ms. Stevenson, it was moved to amend the agenda as follows: add a letter from Mayor Williams regarding Mayor's Court Fines, add a letter from Auditor Jim Stith regarding Benovation administrative fees, add a letter from Mayor Williams requesting executive session, and add a resolution regarding rejecting the Norwood Fire Fighters Union Fact Finding report to be considered prior to excusing absent members. All members present voted, "Yes".

F) MINUTES OF PREVIOUS MEETING

Ms. Stevenson commented on the process of editing minutes; in the May 22, 2018 minutes, she mentioned more details but meant to say that more guidance would be helpful regarding the process of editing minutes. Mrs. Laake stated she spoke with the Law Department and will bring the matter up for further discussion during unfinished business.

On a motion by Mr. Clark, seconded by Mr. Breadon, it was moved to accept the minutes of the May 22, 2018 meeting, as if read. All present voted, "Yes".

G) PUBLIC HEARINGS:

- 1) **Notice of Public Hearing on the 2019 Tax Budget.** Notice is hereby given that on the 12th Day of June 2018, at 7:30pm, a public hearing will be held on the budget prepared by the City of Norwood of Hamilton County, Ohio, for the next succeeding fiscal year ending December 31, 2019. Such hearing will be held in Council Chambers, 2nd floor of City Hall, 4645 Montgomery Rd., Norwood, Ohio 45212.

Mrs. Laake declared the Public Hearing open and then asked Norwood Auditor Jim Stith to address Council on the 2019 Tax Budget, since his office prepared the document. Mr. Stith stated the tax budget is the first step in the process of preparing the appropriations budget for 2019; it provides the actual payments, expenses, and revenues from 2016 and 2017, and the projected estimates for 2018 and 2019. This document matches the Fiscal Recovery Plan, for the most part. Mr. Stith spoke about the changes with fund 89 and the movement of street employees and street lighting into the General Fund are both reflected in the 2019 Tax Budget. The city will have an estimated cash balance in the general fund of negative \$1,232,411 at the end of 2018, and negative \$1,195,391 at the end of 2019. The positive cash fund balance in the Street fund and State Highway Fund reflects the amount that has been moved out of those funds and into the General Fund. The tax budget has been reviewed by Ms. Thomas, who is with the State Auditor. Mr. Stith announced that copies of the 2019 Tax Budget are available in the Auditor's office or at www.NorwoodAuditor.com.

Pastor Sonny James, of Hopkins Avenue, stepped forward to speak in favor of the 2019 Tax Budget; he commends Mr. Stith, Council, and Mayor Williams for working on the budget. Mr. James stated it is a difficult process, however, there are competent individuals heading the process.

No one else stepped forward to speak in favor of the 2019 Tax Budget.

No one stepped forward to speak in opposition of the 2019 Tax Budget.

Mrs. Laake then declared this Public Hearing closed.

- 2) **Notice of Public Hearing on the request to amend the text concerning "Market Garden".** Notice is hereby given that on the 12th Day of June 2018, at 7:30pm, a public hearing will be held to discuss upholding the Norwood Planning Commissions denial of the text change request or to adopt the text change requests. Such hearing will be held in Council Chambers, 2nd floor of City Hall, 4645 Montgomery Rd., Norwood, Ohio 45212.

Mrs. Laake declared the Public Hearing open.

No one stepped forward to speak in favor of upholding the Norwood Planning Commission's denial of the text change request.

No one stepped forward to speak in opposition of upholding the Norwood Planning Commission's denial of the text change request.

Mrs. Laake declared this Public Hearing closed.

H) REQUEST TO ADDRESS COUNCIL ON AGENDA ITEMS

There were no requests to address Council on agenda items.

I) REPORTS OF STANDING COMMITTEES OF COUNCIL

- 1) **Finance, Budget, and Audit: 06/12/2018** **Re: Tax Budget 2019, City Finances, Claims**
On a motion by Mr. Clark, seconded by Ms. Stevenson, it was moved to accept the committee report. All present voted, "Yes."
- 2) **Committee of the Whole: 05/24/2018** **Re: 911 Report**
On a motion by Mr. Sanker, seconded by Mr. Clark, it was moved to accept the committee report. All present voted, "Yes."
- 3) **Economic Development and Community Engagement: 06/07/18** **Re: Committee Goals**
On a motion by Mr. Bonsall, seconded by Mr. Clark, it was moved to receive and file the committee report. All present voted, "Yes."

J) THIRD READING OF ORDINANCES/RESOLUTIONS

- 1) **ORDINANCE CREATING THE RETIREE BENEFIT PROGRAM (as amended).**
On a motion by Mr. Clark, seconded by Mr. Bonsall, it was moved to hear the third reading of the ordinance. All members present voted "Yes."

Mrs. Hanrahan asked Mayor Williams for his opinion on this ordinance. Mayor Williams stated he understands the work and the goal of this ordinance and he appreciates the work and effort put forth by Mrs. Laake and Mr. Bonsall; if passed, he will not sign this ordinance. Mayor Williams stated Benovations has failed the city and the retirees; until the matter with Benovations is straightened out and a detailed report from Benovations is submitted to Council, he will not support this ordinance. Mayor Williams understands that time is running short, however, he cannot in good conscience support an ordinance that could cause other real problems. Mayor Williams acknowledged he is a recipient of this plan. Benovations has stated only 28 individuals signed up for the plan in 2018.

Mrs. Laake provided a copy of an undated letter to all member of Council, which she received from Kevin Schlotman at Benovations (a copy of the letter is on file in the Clerk of Council's office). The representative from Benovations stated they have a new vendor and that an individual has been assigned the task of entry, comparing invoices, and conducting an audit, which will start with 2018, then 2017, and finally 2016. Benovations acknowledged that no one was able to attend the Council meeting tonight; they provided Mrs. Laake with a letter on June 11 and confirmed payment will be released to the plan participants within two days after receipt of the funds from the city. Mrs. Laake stated she noticed some names missing from the 28 names that did appear on the premiums list; she contacted some of those members missing from the list. Police and Fire retirees did not get their letters from Benovations until late March / early April. One individual informed Mrs. Laake that they were told not to file claims in 2017 or 2018 until the matter was resolved. Mrs. Laake expressed her concerns and the need for hearing from Benovations; no update has been provided yet. Her motivation is to get the retirees paid the money that is owed to them. If this ordinance is passed, the only money Benovations will receive is a percentage of the claims processed, not the administrative fee. Mr. Stith stated when the city is invoiced each month, Benovations includes the administrative fees in one lump sum; they do not itemize their invoice. Mrs. Laake pointed out to Benovations that being in fiscal emergency, there may be funds available to pay back-bills; now is the time for them to get this done. Mayor Williams stated he would like to get Benovations to come to a Council meeting so that they can speak on the record; he currently has trust issues with any information Benovations is sharing. Mayor Williams acknowledged this plan is going to change, but Council needs to take steps to make sure it happens properly and the way Council wants it to happen. Mrs. Laake discussed the timing of the letters that were sent to retirees; police and fire retirees are being asked about monthly insurance costs and providing documentation. Names appearing on the list have not been shared because of HIPAA. Mrs. Laake expressed that she has had no idea of the retirees' frustration with this situation until now.

Mr. Bonsall thanked Mayor Williams and the retirees who have reached out to him to express their frustration about trying to get paid; Mr. Bonsall agrees with Mayor Williams in saying Benovations has failed the retirees. Benovations is still getting a \$26,000 monthly payment from the city. Mr. Bonsall asked why the city has not yet brought legal action against Benovations; Mr. Moore replied by questioning what the legal action would be. Mr. Moore stated the major issue is that Benovations is not doing what needs to be done; if the contract is canceled, the city may then have to go through all

of the documentation regarding payments made or not made. Mr. Bonsall still thinks Council should move forward with these ordinances.

Mrs. Hanrahan stated she is a recipient of this plan and has experienced the same thing as other plan recipients. Mrs. Hanrahan asked a question to Mr. Stith regarding the payment of administrative fees to Benovations. Mr. Stith stated the payment includes premiums; a separate letter is sent but it does not break down the cost difference of fees and premiums. The \$26,000 payment covers the monthly insurance premiums plus the administrative fee. Mrs. Hanrahan asked how we can identify what has been paid in administrative fees to Benovations; Mr. Stith replied by stating he can request Benovations provide a listing of their administrative fees. Another way to calculate the fees, according to Mr. Stith, would be to ask Horan about the cost of the premiums and deduct that amount from the total invoiced amount to calculate the administrative fees. Mayor Williams stated the \$26,000 may be to underwrite a million dollar claim.

Mr. Breadon stated the new process appears to be less complicated for plan members; Mrs. Laake confirmed that with the new process, the plan recipients will receive a form, send it back to verify eligibility, and the Auditor's office will send them a check. No bills or receipts will need to be submitted with the newly created process. Ms. Stevenson wanted to clarify that the new plan means there will be no administrative fees, the city can then regulate expenses, and it will provide stability for the plan members; her opinion is that Council should move forward with the new plan. Mrs. Laake confirmed Ms. Stevenson's understanding of the new plan.

Mrs. Hanrahan asked Mr. Moore for his opinion on passing or not passing this ordinance; Mr. Moore stated that if this ordinance passes, the previous plan with Benovations will end but all obligations under the old plan are still there.

On a motion by Mr. Bonsall, seconded by Mr. Clark, it was moved to pass the ordinance. All present voted, "Yes."

- 2) **ORDINANCE REPEALING ORDINANCE 66-2000, AS AMENDED, WHICH PROVIDED FOR HEALTH CARE INSURANCE FOR RETIREES, EMPLOYEES WHO ARE NO LONGER EMPLOYED WITH THE CITY DUE TO DISABILITY, AND EMPLOYEES WHO HAD COMPLETED A CUMULATIVE TOTAL OF TWENTY (20) YEARS OF HONORABLE SERVICE, AND DECLARING AN EMERGENCY.**

On a motion by Mr. Bonsall, seconded by Mr. Clark, it was moved to hear the third reading of the ordinance. Mrs. Hanrahan and Mr. Sanker voted, "No;" all other members present voted "Yes." The motion passes with a 4-2 vote.

Mrs. Hanrahan stated she will be voting "no" on this ordinance; she would like to hear from Benovations before taking this away from retirees.

On a motion by Mr. Clark, seconded by Mr. Bonsall, it was moved to pass the ordinance. Mrs. Hanrahan and Mr. Sanker voted, "No;" all other members voted, "Yes." Although the vote was 4-2 in favor, due to an Emergency Clause in the ordinance, the motion to pass the ordinance fails.

- 3) **ORDINANCE TERMINATING VEVA PLAN AND TRUST AGREEMENT, AND DECLARING AN EMERGENCY.**

On a motion by Mr. Bonsall, seconded by Mr. Clark, it was moved to hear the third reading of the ordinance. Mrs. Hanrahan and Mr. Sanker voted, "No;" all other members present voted "Yes." The motion passes with a 4-2 vote.

Mr. Bonsall expressed his disappointment with Council in what had just happened; Council voted unanimously to create a retirement program, but then voted against ending the existing plan. This action could potentially put two programs in place at one time. Mr. Bonsall stated creating a new program is the right thing to do for the retirees and for the city.

On a motion by Mr. Clark, seconded by Ms. Stevenson, it was moved to pass the ordinance. Mrs. Hanrahan and Mr. Sanker voted, "No;" all other members voted, "Yes." Although the vote was 4-2 in favor, due to an Emergency Clause in the ordinance, the motion to pass the ordinance fails.

K) INTRODUCTORY READINGS OF ORDINANCES

- 1) **ORDINANCE DENYING THE REQUEST FOR A ZONING CODE TEXT AMENDMENT TO ADD "MARKET GARDENS" AS A PERMITTED OR CONDITIONAL USE IN RESIDENTIAL ZONES.**

Ms. Stevenson stated it was brought to her attention that the applicant was never notified of, or invited to, the Public Hearing. Ms. Stevenson stated she does not believe the lack of recognition during the Public Hearing is indicative of what is thought of the ordinance.

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

- 2) **ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE-SAFETY DIRECTOR TO ENTER INTO A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH TERREX**

HARRIS AVE, LLC FOR HARRIS AVENUE WEST OF FOREST AVENUE TO ALLOW SITE TO BE MADE SHOVEL READY FOR COMMERCIAL OFFICE BUILDING, AND DECLARING AN EMERGENCY.

Mrs. Laake stated the new Exhibit A has a different paragraph 7. Ms. Stevenson asked if the new paragraph 7 is consistent with the old paragraph 7; Mrs. Laake read the two versions, indicating the difference pertains to underground utilities, and not limited to “surface area.”

Tom Xanders, a Development Project Manager with Terrex, stated this portion of Harris Avenue is bordered on both sides by property that is owned by Terrex; this addresses taking out the street and underground utilities. If the property is not ready for a tenant to proceed, then all utilities and the street will be repaired and/or replaced to reflect their pre-development condition. Ultimately, the utilities will have to be relocated for the development and the power lines will be moved underground. Mr. Xanders stated they are working with the city on this and they are being a good partner. The PUD is not over the street, but exists on the rest of the property. The property is now marketable for an office user. Mayor Williams stated this is the normal process between a developer and the city; he thanked Mr. Moore for his involvement in this project. Mr. Xanders confirmed that part of the grant they received is to place the power lines underground.

Mr. Bonsall asked Mr. Moore about the temporary easement; Mr. Moore stated the easement will last one year. Terrex can tear up that portion of the street to get it “pad-ready;” that portion of the street only served Zumbiel. The one-year easement exists because of a state grant to assist with demolition of the old Zumbiel building. Mr. Moore stated this has gone back and forth for several months; the city still maintains a lot of control with the PUD overlay. The city would still have to vacate the street. This part of the process should be the easiest and the city is protected. Mr. Xanders stated it is in Terrex’s best interest to move this project forward as quickly as possible; this will be great for both Norwood and Terrex.

Mrs. Laake discussed a marketing session she recently attended to connect businesses with this new development; Mr. Reeves attended as well. Ms. Stevenson asked if the presentation materials from the marketing session could be shared with members of Council; Mr. Xanders confirmed the presentation materials will be made available and sent to Mr. Moore’s attention for distribution.

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

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

K) INTRODUCTORY READING OF RESOLUTIONS

1) RESOLUTION ADOPTING 2019 TAX BUDGET, AND DECLARING AN EMERGENCY.

On a motion by Mr. Sanker, seconded by Mr. Breadon, it was moved to suspend the rules and hear all three readings of the resolution. All present voted, “Yes.”

Mr. Clark thanked Mr. Stith and the State Auditors for all of their work on this document.

On a motion by Mr. Clark, seconded by Ms. Stevenson, it was moved to pass the resolution. All present voted, “Yes.”

L) ADMINISTRATION REPORTS

There were no administration reports.

M) OTHER REQUESTS TO ADDRESS COUNCIL

1) Pastor Sonny James

Re: Community, Elevation Enrichment, & Youth Mental Health First Aid Training

Mr. James, of Hopkins Avenue, addressed Council regarding several community topics. Mr. James stated he is excited that the recreation building will now be open at noon for residents to utilize on Mondays, Tuesdays, Thursdays, and Fridays. Mr. James spoke about Elevations Enrichment, which is run by his wife; there are only six days in June where activities are not provided by Elevations. Mr. James announced the Youth Mental Health First Aid Training that will take place on June 30th, July 21st, and August 11th, at the Norwood Library. The fee for this class fee is \$150, but that has been waived thanks to a grant from Substance Abuse and Mental Health Services Administration; individuals may only attend this class once. This class will help individuals learn how to deal with anyone who suffers from a variety of mental health challenges. Mr. James provided an email address for contacting his wife Kirsten about this class and Elevations: kjames.elevations@gmail.com or by phone at (513)485-4675. Chipotle will be providing lunch for this training; Mr. James also thanked Little Caesars Pizza for their donation of pizza to Elevations last year.

Mr. Bonsall made a motion to reconsider passage of ORDINANCE CREATING THE RETIREE BENEFIT PROGRAM (as amended), seconded by Mr. Breadon.

Mr. Bonsall stated the goal of this motion is to create continuity; this ordinance needs to be reconsidered so that there are not two active retiree benefit programs next year. Mr. Sanker stated the reason he voted

“no” for other two ordinances, is due to Mayor Williams saying he would like to have the new plan in place for when Benovations addresses Council; establishing the new plan doesn’t affect removal of the old plan. Mrs. Hanrahan stated she voted “no” on these ordinances because it is a good-faith move to make sure the retirees get paid. Mr. Bonsall stated his current motion to reconsider this ordinance is the fiscally irresponsible thing to do; things need to be consistent and all three ordinances need to be kept together. Mrs. Hanrahan stated this new program will allow for plan recipients to be notified of the changes. Ms. Stevenson thanked Mr. Bonsall for the motion, and asked Mr. Bonsall about his concerns with keeping the status of the ordinances as they are; Mr. Bonsall replied by saying it is financial liability. Mr. Bonsall continued by stating if there is no change, the city could be paying for two retiree programs next year. Ms. Stevenson asked Mr. Moore about providing guidance on the time frame for a resolution; Mr. Moore replied by saying the end of year - for writing checks, and relatively soon - for sending notices of the new plan. The right way to do this is to repeal the old plan and pass the new plan. The ordinances were put in a different order on the agenda tonight in good-faith to retirees and to avoid fear; right now, legally, there are three programs. Mr. Moore confirmed that Mr. Bonsall to be correct, as far as where things stand at this moment. Ms. Stevenson stated she understands the order of the ordinances was designed to create greater confidence; the city doesn’t have any leverage that has worked yet to get a behavior change from Benovations. Mr. Bonsall stated that, as Chairperson of the Finance committee and one who looks at everything as dollar and cents, he believes it is not in the city’s best interest to have both programs on the books; election of the new administrative committee doesn’t happen until October, so there is plenty of time to pass this.

Mrs. Hanrahan and Mr. Sanker voted, “No;” all others present voted “Yes.” With a 4-2 vote, the motion to reconsider the ordinance passes.

On a motion by Mr. Bonsall, seconded by Mr. Clark, it was moved to table the ORDINANCE CREATING THE RETIREE BENEFIT PROGRAM (as amended) to a time definite at the June 26, 2018 Council meeting.

Mrs. Hanrahan stated recipients of this plan have “gone through hell” for years; passing the ordinance sends a message to retirees that the city is going to work to get the money that is owed to them and they will no longer be ignored. Mrs. Laake identified the next steps to take place once the ordinance is passed regarding the creation of a committee and payment. Mr. Breadon stated he agrees with Mrs. Hanrahan and this is a good deal for the retirees and for the city of Norwood; the retirees need to be paid what is owed to them.

Ms. Stevenson and Mrs. Hanrahan voted, “No;” all others present voted “Yes.” With a 4-2 vote, the motion passes.

N) UNFINISHED BUSINESS

Mrs. Laake thanked the 80+ volunteers who showed up to help with the build the playground at Northwoods Park; she also thanked Mound Café, LaRosa’s, Klosterman’s, and Betta’s for their donations. Mrs. Laake expressed a personal thanks to everyone, and noted that more children are at the park each day.

Mrs. Laake discussed and distributed her written recommended changes to the Standing Rules of Council regarding edits to minutes; a copy is on file in the Clerk of Council’s office. She recommends placing the matter into Law & Ordinance committee for review. Mrs. Hanrahan requested that Council members are given notice of requested edits before the meeting to approve the minutes; this is to make sure there is time to play back recordings of the meeting to review it ahead of time. On a motion by Mr. Clark, seconded by Mrs. Hanrahan, it was moved to place the matter into the Law and Ordinance Committee for discussion. All present voted, “Yes.” Ms. Stevenson expressed her gratitude toward Mrs. Laake for submitting this request, and is looking forward to the opportunity to discuss further in committee and to add clarity to the Rules of Council regarding the minutes.

O) NEW BUSINESS

Ms. Stevenson announced that Maddie Regan, with the Cincinnati Shakespeare Company, contacted members of Council regarding their interest in hosting 2-3 performances of Shakespeare in the Park this summer. One of the recommendations is to have at least one performance taking place at Northwoods Park. Flyers will go out once dates and locations are confirmed. Ms. Stevenson expressed her excitement about this ongoing collaboration.

P) COMMUNICATIONS

1) Letter from Mayor Williams Re: Mayor’s Court Fines (May 2018)

On a motion by Mr. Clark, and seconded by Ms. Stevenson, it was moved to receive and file the letter. All present voted, “Yes.”

2) Letter from Jim Stith, Auditor Re: Benovation Administrative Fees

On a motion by Ms. Stevenson, and seconded by Mr. Breadon, it was moved to receive and file the letter. All present voted, “Yes.”

3) Letter from Mayor Tom Williams Re: Request to Enter Executive Session

On a motion by Mr. Clark, and seconded by Mr. Bonsall, it was moved to receive and file the letter and enter into Executive Session to prepare for, conduct, or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. All present voted, "Yes."

Mrs. Laake called for a brief recess.

Council entered Executive Session.

Council returned from Executive Session.

RESOLUTION REJECTING THE RECOMMENDATIONS OF THE FACTFINDER IN THE NEGOTIATIONS BETWEEN THE CITY OF NORWOOD AND INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL NUMBER 445, AND DECLARING AN EMERGENCY.

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

Mr. Bonsall stated the report that was issued does not conform with the Financial Emergency Plan that has already been passed.

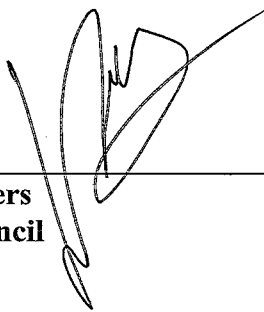
On a motion by Mr. Clark, seconded by Mr. Bonsall, it was moved to pass the resolution. All present voted, "Yes."

Q) EXCUSE ABSENT MEMBER/S

On a motion by Ms. Stevenson, seconded by Mr. Clark, it was moved to excuse Mr. Thompson. All present voted, "Yes".

R) ADJOURNMENT

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



Joseph S. Geers
Clerk of Council



Donna M. Laake
President of Council