



# Norwood City Council

Norwood City Hall Auditorium (2<sup>nd</sup> floor)  
4645 Montgomery Road | Norwood, Ohio 45212  
February 28, 2023 | 7:30pm

## A) CALL TO ORDER

The Council for the City of Norwood met in regular session on the above date with Mr. Ken Miracle presiding. The meeting opened with an invocation by Pastor Stanton Thomas of New Vision Baptist Church and the Pledge of Allegiance.

## B) INVOCATION

## C) PLEDGE OF ALLEGIANCE

## D) ROLL CALL

On roll call, the following members answered present: Mrs. Franzen, Mrs. Hoover, Ms. Royse, Mr. Kelsch, Mrs. Winterbauer, Mr. Thompson, and Mr. Breadon.

## E) AMENDMENT OF AGENDA

On a motion by Mr. Thompson, seconded by Mrs. Hoover, it was moved to amend the agenda as follows: add the correct title on the agenda to reflect the resolution regarding electric aggregation, as it was posted as a duplicate of the opioid settlement resolution.

All members present voted, "Yes." The motion passed.

## F) MINUTES OF PREVIOUS MEETING

### 1) February 14, 2023 – Regular Meeting

On a motion by Mrs. Hoover, seconded by Ms. Royse, it was approved the minutes of the February 14, 2023 meeting, as if read. All members present voted, "Yes." The motion passed.

## G) SPECIAL PRESENTATIONS

There were no special presentations.

## H) PUBLIC HEARINGS

There were no Public Hearings.

## I) REQUEST TO ADDRESS COUNCIL

### 1) Mary Yeager

#### Re: Agenda #L) 1) - \$5 Motor Vehicle License Tax

Mrs. Yeager, residing at 2215 Adams Avenue, addressed Council regarding the ordinance pertaining to the motor vehicle license tax. There was very clear wording about the measure passing without an emergency clause and she expressed her concerns about anything else that was missed in the ordinance. Mrs. Yeager asked which overlapping jurisdiction this is referencing. Mrs. Yeager also asked for clarification regarding the fund in which this money will be deposited.

### 2) Bishop Sonny James

#### Re: Community

Mr. James addressed Council regarding several topics involving the community. Mr. James stated he is excited to introduce someone Norwood will soon get to know very well. Mr. James made reference to an incident involving Norwood Police officers, in which he complimented them on a job well done; Mr. James stated he wanted to go on record about not always being against the police. In this case, they did a wonderful job and they treat people like they are human; the old narratives about Norwood will continue to fade away. Mr. James talked about the MLK march and acknowledged that there were city leaders who were there. There was also a Black History Month march/parade in conjunction with Xavier University; it was a phenomenal event and he thanked all of those who participated. On August 27, 2023, Mr. James is bringing 500+ people onto the streets of Norwood as an act of celebration to honor Fred Shuttlesworth; this will celebrate a lot of the changes that have occurred.

### 3) Alanee Wright

#### Re: Community

Ms. Wright, a student at Xavier University, announced to Council that she is working in conjunction with Sonny James to help bring about change in Norwood, OTR, and Xavier University. Ms. Wright was awarded the Antonio Johnson Award last Friday; this award "is given to students of African or Black descent, who showcase academic prowess, excellence and leadership in the Xavier community." Ms. Wright stated she will continue to be an advocate for black individuals in the neighborhood and an advocate for change.

**J) REPORTS OF STANDING COMMITTEES OF COUNCIL**

There were no committee reports.

**K) THIRD READING OF ORDINANCES/RESOLUTIONS**

1) ORDINANCE REPEALING CHAPTER 741 PINBALL MACHINES.

On a motion by Mr. Thompson, seconded by Mrs. Winterbauer, it was moved to hear the third reading of the ordinance. All members present voted, "Yes." The motion passed.

On a motion by Mr. Breadon, seconded by Mr. Kelsch, it was moved to pass the ordinance. All members present voted, "Yes." The motion passed.

**L) SECOND READING OF ORDINANCES/RESOLUTIONS**

1) ORDINANCE AMENDING ORDINANCE NO. 51-2022, LEVYING A \$5.00 MOTOR VEHICLE LICENSE TAX AS AUTHORIZED BY SECTION 4504.173 OF THE OHIO REVISED CODE.

On a motion by Mr. Thompson, seconded by Ms. Royse, it was moved to hear the second reading of the ordinance.

Mr. Thompson acknowledged the questions that were previously asked during the request to address Council; the other jurisdiction mentioned in the ordinance is Hamilton County. This is an opportunity to keep the money within Norwood. Mr. Powers confirmed that the funds generated by this tax will get directed to the permissive tax fund and are limited to funds dealing with roads; he is unaware of any other issues with this revised version of the ordinance. Mr. Thompson acknowledged that the original ordinance passed with the emergency clause was an honest mistake. Ms. Royse confirmed that the ordinance states where the funds from this tax will go.

All members present voted, "Yes." The motion passed.

2) ORDINANCE BANNING REGISTERED SEX OFFENDERS FROM MEMBERSHIP AND DAY PASSES AT NORWOOD RECREATION FACILITIES.

On a motion by Mr. Kelsch, seconded by Mrs. Franzen, it was moved hear the second and third readings of the ordinance. All members present voted, "Yes." The motion passed.

On a motion by Mr. Thompson, seconded by Mr. Kelsch, it was moved to pass the ordinance.

Ms. Royse asked if this would ban individuals from attending Recreation events; Mr. Powers replied by stating individuals would still be able to attend public meetings, where membership was not involved. Ms. Royse asked if this would prevent individuals who are registered sex offenders from joining recreation leagues; Mr. Powers replied by stating recreation leagues take place at recreation facilities, so they would be banned from those. Ms. Royse stated this is a good step but also pointed out that there is currently no sexual harassment policy; this is something that Mr. Gabbard will work on and will be another way to keep members safe. Mr. Powers confirmed those members who are registered sex offenders will be refunded the remainder of their membership and other members will be screened at the time of their application.

All members present voted, "Yes." The motion passed.

**M) INTRODUCTORY READING OF ORDINANCES/RESOLUTIONS**

1) ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT PROGRAM TO PURCHASE A 2023 FORD F-350, OR SIMILAR, TRUCK, ND DECLARING AN EMERGENCY.

On a motion by Mrs. Winterbauer, seconded by Mr. Kelsch, it was moved to suspend the rules and hear all three readings of the ordinance. All members present voted, "Yes." The motion passed.

Mrs. Winterbauer asked for the Safety-Service Director to comment on this ordinance; Mr. Powers replied by stating this is for the purchase of a new truck for Public Works. This is replacing a 2008 truck; because it is over the \$50,000 threshold, it must come to Council for approval via an ordinance.

On a motion by Mrs. Winterbauer, seconded by Mrs. Franzen, it was moved to pass the ordinance. All members present voted, "Yes." The motion passed.

2) ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE FY2024 URBAN PAVING PROJECT FOR A PORTION OF STATE ROUTE 561 IN THE CITY OF NORWOOD, WITH EMERGENCY PROVISION.

On a motion by Mrs. Winterbauer, seconded by Mrs. Hoover, it was moved to suspend the rules and hear all three readings of the ordinance. All members present voted, "Yes." The motion passed.

On a motion by Mrs. Winterbauer, seconded by Ms. Royse, it was moved to pass the ordinance. All members present voted, "Yes." The motion passed.

3) ORDINANCE AMENDING ORDINANCE 105-1996, CODIFIED AS CHAPTER 1323, REGULATING CELLULAR OR WIRELESS COMMUNICATION SYSTEMS TOWERS WITHIN THE CITY OF NORWOOD, AND DECLARING AN EMERGENCY.

On a motion by Mrs. Winterbauer, seconded by Mr. Kelsch, it was moved to suspend the rules and hear all three readings of the ordinance. All members present voted, "Yes." The motion passed.

Mrs. Winterbauer asked for the Safety-Service Director to address this ordinance; Mr. Powers replied by stating there are provisions that limit the height requirement of these towers. The new water meter reading towers are higher and the ordinance requires amending; these towers will provide new capabilities and technology for water meter readings. Mr. Kelsch asked in which parks these towers will be installed; Mr. Powers confirmed they will be placed in Victory, Millcrest, Burwood, Marsh, Northwoods, Hunter, and/or Fenwick Parks. They will be placed in the least offensive spot so that they will not be an inconvenience to the park or neighbors. Ms. Royse asked if this will be similar to the poles with the 5G boxes; Mr. Powers stated these will be fiberglass poles/towers. Mr. Breadon asked why these will be placed in city parks and not in residential areas; Mr. Powers stated it is an economic consideration, as there will be no need for the city to pay rent since the city owns the parks.

On a motion by Mrs. Winterbauer, seconded by Mrs. Hoover, it was moved to pass the ordinance. All members present voted, "Yes." The motion passed.

4) RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE NATIONAL OPIOID LITIGATION SETTLEMENT AGREEMENTS WITH TEVA, ALLERGAN, CVS, WALGREENS, AND WALMART, AND DECLARING AN EMERGENCY.

On a motion by Mrs. Franzen, seconded by Mrs. Hoover, it was moved to suspend the rules and hear all three readings of the resolution. All members present voted, "Yes." The motion passed.

Mr. Kelsch asked for the Law Director to comment on this resolution; Mr. Moore replied by stating there have been a lot of lawsuits filed against opioid distributors and manufacturers. Agreements have been reached with these additional five defendants; the funds are to be spent on drug treatment and prevention, and offsetting Norwood's cost on dealing with opioid issues. Norwood has received around \$18,000 from similar lawsuits over the past few years; the Health Department is looking at the best ways to put the money to use.

On a motion by Mrs. Hoover, seconded by Mrs. Winterbauer, it was moved to pass the resolution. All members present voted, "Yes." The motion passed.

5) RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT FOR ELECTRICAL AGGREGATION AT A PRICE NOT TO EXCEED \$0.075 PER kWh FOR A TERM NOT TO EXCEED 24 MONTHS, AND DECLARING AN EMERGENCY.

On a motion by Mr. Breadon, seconded by Ms. Royse, it was moved to suspend the rules and hear all three readings of the resolution. All members present voted, "Yes." The motion passed.

Dan Deters, Consultant/Aggregation/CNG at Energy Alliances Inc., addressed Council on this matter; Norwood has already had significant savings with the gas aggregation program. In June 2022, the volatility of electric pricing was "through the roof," and they couldn't offer a contract to the citizens of Norwood that could beat the price that the utility provider would offer. If a program is not elected, in May 2023 the electric pricing will be around \$.09 per kwh. Mr. Deters is encouraging Norwood residents to get into a contract to avoid the May increase; he believes this will save residents \$25-30 per month for electricity. Mrs. Franzen asked if joining this program is automatic and if there is an opt-out option; Mr. Deters stated residents will receive a letter in the next 30 days with an opt-out option. If residents do opt-out, they can rejoin later at no cost with the same rate within that 24-month period.

On a motion by Mr. Breadon, seconded by Mr. Kelsch, it was moved to pass the resolution. All members present voted, "Yes." The motion passed.

**N) ADMINISTRATION REPORTS**

There were no Administration Reports.

**O) UNFINISHED BUSINESS**

Mrs. Hoover mentioned the 513 Relief Bus was in Norwood last week; it was phenomenal and a service that is offered through Hamilton County, using Covid funds to bring social services into communities. Over 100 people attended, utilizing services from Jobs and Family Services, Urban League, UC Health, and Council on Aging; there is an option for the service to return to Norwood again in the spring.

Mrs. Hoover provided an update on Marsh Park; this has been a passion project since she first heard about it. Marsh Park was created in 1923 by a Norwood Resolution, taking property from black families utilizing eminent domain; having an acknowledgment of this past is the first part of an apology. Mrs. Hoover has worked with the Norwood Historical Society to create a historical marker for the park; there will also be a resolution proposed. Infuse the park with the positivity of Norwood's future; there are over

100 pieces of historical evidence regarding Marsh Park, and some of those items were already shared with members of Council in September. Mrs. Hoover asks for anyone to reach out to her if they have questions.

**P) NEW BUSINESS**

Mr. Miracle announced a Committee of the Whole meeting at 6:30pm, on March 14<sup>th</sup>, in the City Hall Auditorium; they will discuss the strategic plan.

Mrs. Franzen mentioned vacant and abandoned properties in Norwood; she would like to look at current ordinances and enforceability. Mrs. Hoover confirmed that this matter is currently in the Housing Committee.

Mr. Thompson announced a Charter Committee meeting taking place at 6:30pm on March 7<sup>th</sup>. There will be presentations by individuals who have helped other communities with the charter process.

**Q) COMMUNICATIONS**

There were no communications.

**R) EXCUSE ABSENT MEMBERS**

There were no absent members.

**S) ADJOURNMENT**

On a motion by Mr. Breadon, seconded by Mr. Kelsch, it was moved to adjourn.

All members present voted, "Yes." The motion passed.



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**Joseph S. Geers**  
**Clerk of Council**



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**Ken Miracle**  
**President of Council**