



Norwood City Council

Council Chambers | Norwood City Hall

4645 Montgomery Road | Norwood, Ohio 45212

April 9, 2024 | 7:30pm

A) CALL TO ORDER

The Council for the City of Norwood met in a regular session on the above date with Mr. Joseph Geers presiding. The meeting opened with a moment of reflection and the Pledge of Allegiance.

B) MOMENT OF REFLECTION

A moment of silence was observed to acknowledge the passing of Brigid Kelly. Mr. Geers read an Irish Blessing that appeared on the card from Ms. Kelly's funeral. Ms. Kelly, former Norwood Ward 2 Councilwoman, former State Representative, and former Hamilton County Auditor, passed away on Tuesday, March 26, 2024.

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

On roll call, the following members answered present: Mrs. Franzen, Mrs. Hoover, Mrs. Bowling, Mrs. Winterbauer, Mr. Girton, and Mr. Breadon.

E) AMENDMENT OF AGENDA

On a motion by Mrs. Hoover, seconded by Mrs. Bowling, it was moved to amend the agenda as follows: remove the yard sale ordinance under second readings, add the new yard sale ordinance that declares an emergency so that it may take effect before the May street sale, add a communication regarding the Family Dollar liquor license, add a communication regarding the March 2024 Mayor's Court, and remove the meeting minutes. All members present voted, "Yes." The motion passed.

F) MINUTES OF PREVIOUS MEETING

- 1) March 12, 2024 – Regular Meeting
- 2) March 26, 2024 – Regular Meeting
- 3) April 2, 2024—Special Meeting

(all minutes were removed during amendment of the agenda)

G) SPECIAL PRESENTATIONS

There were no special presentations.

H) PUBLIC HEARINGS

There were no public hearings.

I) REQUEST TO ADDRESS COUNCIL

- 1) Lynn Ellis Re: Alcohol in Victory Park

Ms. Ellis addressed Council regarding the ordinance addressing alcohol in parks; there should be no alcohol in Victory Park. She stated that memorial parks are sacred spaces. She commented on the history of the park, including a time when alcohol being permitted led to delinquent behavior in the park, resulting in alcohol being banned. She questioned why alcohol is necessary to activate the park.

- 2) Laura Sullivan Re: Alcohol in Victory Park /Chicken Ownership Fees

Ms. Sullivan, residing at 2538 Mound View Drive, clarified the changes to the park should not affect the memorial, which she stated should continue to remain alcohol-free as a place of reverence. She stated that the changes being proposed pertain to the area where there used to be a pool, so as to continue its use as a recreation space. Ms. Sullivan referenced events and activities she and her husband have put on in Norwood parks, including Victory Park. She noted that the event they held at Victory Park last year required them to pick up trash, human waste, and drug paraphernalia that was in the park before the start of the event.

- 3) Lynn Roberts Re: Alcohol in Victory Park

Ms. Roberts had a friend, Cynthia Tinture, read her statement on her behalf. Ms. Roberts, residing at 1833 Mills Avenue, spoke in opposition to the ordinance allowing alcohol in Victory Park. She referenced a 2021 ordinance that prohibited the use of alcohol in Victory Park due to the damage done to the memorial and the park because of alcohol use. She stated that the ordinance requires local veterans organizations to be contacted about any proposed changes. Ms. Roberts referenced family friendly events that successfully activated the park in the past without alcohol. She reiterated that memorial parks are sacred space.

4) Cynthia Tincher Re: Alcohol in Victory Park

Ms. Tincher stated that she has lived in Norwood her entire life, during which time she has taken many family members to visit the memorial. She stated her support for the veterans' request to keep the park alcohol-free. Ms. Tincher asked Mr. Moore for his legal opinion regarding whether or not Northwood Cidery would benefit from alcohol being permitted at the park, and therefor if any members of Council affiliated with the Cidery would have a conflict of interest regarding the ordinance. Ms. Tincher stated that the money from Paycor should be directed towards the park in collaboration with local veterans.

5) Ricky Paul Re: Alcohol in Victory Park

Mr. Paul, residing at 2320 Lyle Lane, refuted previous statements during council meetings about Victory Park. The first of these being about the park not having any events in the last year. Mr. Paul clarified that events are held each Veterans Day and Memorial Day. The second of these being that the park is a scary place due to drug and alcohol use; Mr. Paul questioned if the police were called or if any action was taken to correct the situation. He referenced an email he sent to a member of Council on March 27, 2024 requesting to speak about the ordinance, which he stated went unanswered. He proposed the idea of making the issue a referendum to be voted on by citizens of Norwood. He urged Council to vote no, or for the Mayor to veto the ordinance. Mr. Girton asked Mr. Paul if he would like assistance putting the issue on the ballot, as referendums must be initiated by citizens rather than elected officials. Mr. Paul stated that he was open to having the people make the decision.

6) David Bentz Re: Alcohol in Victory Park

Mr. Bentz stated that alcohol can be enjoyed in other places outside the park, and that despite it not being a graveyard, the memorial has a similar affect. He recommended a splash pad in the park to bring in families if the budget allows. He stated this would make the park family friendly without alcohol. He thanked members of Council for speaking with him one on one previously.

7) Rick Hirsch Re: Alcohol in Victory Park

Mr. Hirsch, residing on Quatman Avenue, stated that he is co-chair of the Victory Park Veterans Association. He stated the Association wants the park to be alcohol-free. He pointed out that the ordinance lists all the parks except for Linder Park regarding the allowance of alcohol use, but that Linder Park is listed under the curfew section. He referenced Victory Park being a small portion of land in Norwood dedicated for park space, and that the Association is only requesting this small portion be alcohol-free. In regards to drug paraphernalia, he stated that the Association does not like seeing these activities in the park either, and that he is sure the City has had conversations with law enforcement to improve the issue. He stated he would like to see the results of those conversations. He stated that he will make a public records request regarding information regarding whether or not there are special interests at place regarding alcohol being allowed in the park.

8) Thomas Sullivan Re: Alcohol in Victory Park

Mr. Sullivan, residing at 2358 Mound View Drive, emphasized his and his wife's desire to see Norwood grow and thrive. He referenced the previous status of the park as a safe and lively place, which has since become a center for illicit activities. He stated that the ordinance is a tool to return the park to its status as a safe and lively recreation area. Mr. Sullivan concurred that memorial should remain a place of reverence. He stated that the park and memorial are separate entities, and that the ordinance regards the park.

9) Kate Wetzel Re: Alcohol in Victory Park

Ms. Wetzel, residing on Regent Avenue, referenced her time on a parks panel where a sustainable plan for the park was initiated prior to Covid. She stated that the allowance of alcohol gives events the option to have or not have alcohol, which could then boost revenue for the parks.

10) Jessie Stevens Re: Alcohol in Victory Park

Mr. Stevens, residing at 1810 Hopkins Avenue, concurred with the veterans' request for the park to be alcohol-free. He stated that veterans parks are considered sacred spaces. He stated that the sign at the park reads "Victory Memorial Park", and that the memorial and park are one entity.

11) Sonny James Re: Alcohol in Victory Park/Anti-Gun Initiative.

Mr. James echoed the requests to make Victory Park alcohol-free. He also referenced the anti-gun initiative he is part of in the Norwood area.

12) Alicia Loch Re: Alcohol in Victory Park

A written statement submitted by Ms. Loch was read by the Clerk of Council. Ms. Loch stated her hope for Victory Park to become an active space similar to Washington Park in Cincinnati, open to all ages of Norwood residents.

J) REPORTS OF STANDING COMMITTEES OF COUNCIL

1) Finance, Budget, and Audit Report – 4/01/2024

On a motion made by Mr. Breadon, seconded by Mr. Girton, it was moved to accept the report and minutes. All members present voting, “Yes.” The motion passed.

2) Committee of the Whole Report—4/02/2024

On a motion made by Mrs. Winterbauer, seconded by Mrs. Hoover, it was moved to accept the report. All members present voting, “Yes.” The motion passed.

3) Diversity, Equity, and Inclusion Report—3/06/2024

On a motion made by Mrs. Bowling, seconded by Mr. Girton, it was moved to accept the report. All members present voting, “Yes.” The motion passed.

K) THIRD READING OF ORDINANCES/RESOLUTIONS

1) A RESOLUTION SUPPORTING THE PLACEMENT OF A HISTORIC MARKER AT THE BASE OF NORWOOD MOUND IN ACKNOWLEDGEMENT OF ITS HISTORICAL SIGNIFICANCE AND SUPPORTING A REQUEST FOR GRANT FUNDS FOR THAT MARKER.

On a motion by Mrs. Hoover, seconded by Mrs. Bowling, it was moved to have the third reading of the resolution.

Mrs. Franzen explained for those at home and in the audience that in order for Council to have any discussion, Council must vote to have the reading or table the motion. The vote is not to pass or not pass the resolution or ordinance.

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.

L) SECOND READING OF ORDINANCES/RESOLUTIONS

1) AN ORDINANCE AMENDING CHAPTER 723 OF THE NORWOOD CODIFIED ORDINANCES ENTITLED “HOME SALES” AND RENAMING CHAPTER 723 AS “YARD SALE”, AS AMENDED.

(removed during amendment of the agenda)

2) AN ORDINANCE AMENDING CHAPTER 561 OF THE NORWOOD CODIFIED ORDINANCES ENTITLED PARKS AND PLAYGROUNDS TO EXPAND AND CLARIFY ALCOHOL PERMITS AND TO MODIFY VICTORY PARKS’ STATUS.

On a motion made by Mr. Girton, seconded by Mrs. Hoover, it was moved to have the second reading of the ordinance.

Mr. Girton asked Mr. Moore if there are any ethical concerns regarding the ordinance on Council. Mr. Moore stated that he did not believe so. Ethics would preclude a member of Council from voting on the ordinance if it would result in a direct economic benefit to a member of Council or their family. He stated that the ordinance allows a permit, which anyone could apply for, which is too remote to pose a conflict of interest.

Mr. Girton asked Mr. Powers if anyone on Council had ever asked how to get the police more involved in Victory Park regarding overdoses, loitering, etc. and if so, what was the result. Mr. Powers confirmed he had spoken about these matters with members of Council, and that police officers do regular patrols of the park. Mr. Powers confirmed that police department is fully staffed with the exception of one position.

Mr. Breadon stated that Council meetings are for the citizens to come and have discussion.

Mrs. Hoover clarified that audience members cannot reply while Council is in discussion during a City Council meeting, but that it is definitely the place for community members to come speak and voice their concerns or comments.

Mr. Girton asked Mrs. Franzen if during the January meeting had she asked Mr. Bientz to speak with the Parks Committee. Mrs. Franzen confirmed that she had, and at that time the ordinance had been tabled to go back to committee.

Mrs. Winterbauer stated that she is an employee of Northwood Cidery and that she does not have a conflict of interest because alcohol being allowed in the park does not determine the success or failure of the Cidery. She stated that alcohol may or may not be the answer to activating the park, and the Cidery chose their location in hopes of activating the area. She stated her hope for Council to continue conversations and make a connection with residents, with the goal of there be daily use of the park in the future.

Mr. Girton asked if it would be possible to amend Chapter 561.01 to include Lindner Park. Mr. Moore said he would have to go through the ordinance to be sure, but Lindner Park is in the City of Cincinnati. Norwood does not have the authority to tell the City of Cincinnati what to do with its open container laws, which is why Lindner Park is not included in the section of the ordinance pertaining to alcohol permits.

Mrs. Winterbauer referenced an occasion when she had spoken with Chief of Police Sumner about reducing illicit activities in Victory Park. She stated that the police and Public Works had done a great job patrolling the area.

Mrs. Bowling stated that it is encouraging to see so many residents engaged about the parks is promising. She stated that whether or not alcohol is permitted is not her primary concern, but rather for the park to be respected and be used to its full potential. She echoed Mrs. Winterbauer's comment that the best thing for the park is for people to be there regularly. She clarified that she has seen positive events take place at the park as well as misuse of the park.

Mr. Breadon referenced the previous business across from the park, the Norwood Brake, was a successful business in that location.

Mr. Girton asked Mr. Breadon where Mr. Gabbard had stated the ordinance came from when Mr. Gabbard spoke last. Mr. Breadon stated that to his recollection, he would assume some were trying to rent the park location and asking Mr. Gabbard if alcohol could be used while renting the space. Mr. Breadon asked for someone to confirm. Mrs. Franzen stated that Mr. Gabbard had said Norwood Historical Society wanted to have a bourbon tasting at one of the parks, which is how the ordinance came to fruition.

Mrs. Winterbauer spoke on behalf of the Cidery with the owners' permission that the owners had no opinion on the matter of alcohol being allowed in Victory Park, and that they are fine with either outcome.

Mrs. Hoover asked Mrs. Winterbauer if when the street outside the Cidery is shut down for events, does the Cidery collect a fee for doing so. Mrs. Winterbauer replied that the Cidery does not control the street being shutdown as that process must go through a non-profit. She stated that the non-profit does have to pay for a permit and acquire a liquor license, as well as adhere to state regulations.

Mrs. Bowling stated that she does not speak on behalf of the Cidery but rather from her experience as a former employee that ran the tap room. She stated that there are no circumstances currently that would allow the Cidery to take out an event permit to sell their alcohol in Victory Park per State of Ohio liquor law. She clarified that a non-profit could purchase alcohol from any vendor, including the Cidery, and choose to sell it themselves at an event. The Cidery could not, however, benefit directly from the sale.

Mr. Girton stated that there are deeper emotional issues at hand regarding the current illicit use of alcohol in the park that will need to be confronted.

Mrs. Franzen stated that she would like to hear more from citizens what they would like to see at the park, and that there is a community conversation on April 15, 2024. Mrs. Franzen asked Mr. Moore about what happens if an ordinance passes that conflicts with a previous ordinance.

Mr. Moore confirmed that if an ordinance is passed that contradicts a previous ordinance, the new ordinance would supersede the older one.

Mrs. Hoover stated the community conversation regarding Victory Park on April 15, 2024 is meant to be an interactive conversation with residents. She stated that the Norwood Historical Society, Norwood Recreation Department, and the Norwood Police Department will be there to speak about past, current, and future use of the park.

Mr. Breadon asked how Sunshine Laws apply to the community conversation on April 15, 2024. Mr. Moore stated that if a notice was sent out 24 hours in advance, that would prevent any Sunshine Law violations.

Mr. Breadon voted, "No," and all other members present voted, "Yes." The motion passed.

3) AN ORDINANCE AMENDING SECTION 505.15 OF THE NORWOOD CODIFIED ORDINANCES ENTITLED "PROHIBITED ANIMALS" TO MODIFY THE RULES REGARDING KEEPING CHICKENS.

On a motion made by Mrs. Franzen, seconded by Mrs. Bowling, it was moved to have the second reading of the ordinance.

Mr. Girton stated his support for the ordinance with the exception of the fee.

Mrs. Hoover stated that the fee is to offset the cost of the required inspection the City must incur, rather than to tax the eggs produced by the chickens. With the current fee of \$150, the City is breaking even, not making a profit.

Mr. Breadon echoed Mr. Girton's concern regarding the fee.

Mrs. Bowling referenced the issue the City was facing previously of losing money over the cost of inspection, and that the current price allows the City to breakeven. She also referenced to the costly nature of keeping chickens for individual owners, and that it is not likely a resource to provide food at a lower cost than other methods.

It was agreed to re-examine the ordinance at the next Law Committee meeting on April 16th, 2024.

Mr. Girton and Mr. Breadon voted, "No," all other members present voted, "Yes." The motion passed.

M) INTRODUCTORY READING OF ORDINANCES/RESOLUTIONS

1) ORDINANCE TO CHANGE APPROPRIATIONS FOR THE YEAR 2024 AND DECLARING AN EMERGENCY.

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

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

2) ORDINANCE AMENDING ORDINANCE NO. 22-2023, TO ADJUST THE COMPENSATION OF THE HUMAN RESOURCES DIRECTOR POSITION, AND DECLARING AN EMERGENCY

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

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

3) A RESOLUTION OF COUNCIL OF THE CITY OF NORWOOD, OHIO ESTABLISHING "PICK-UP" OAC 742-7-14(A): FOR EMPLOYEES OF NORWOOD FIRE DEPARTMENT.

On a motion by Mrs. Winterbauer, seconded by Mrs. Franzen, it was moved to have the first reading of the resolution.

Mrs. Franzen asked Mr. Powers to explain the ordinance. He stated that his understanding is that it would allow employees to purchase service time from the pension system via a payroll deduction.

Mrs. Winterbauer agreed to amended her motion, and Mrs. Franzen agreed to amend her second to the motion to now suspend the rules and have all three readings of the resolution. All members present voted "Yes." The motion passed.

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

4) A RESOLUTION OF COUNCIL OF THE CITY OF NORWOOD, OHIO ESTABLISHING "PICK-UP" OAC 742-7-14(A): POLICE DIVISION.

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

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

5) AN ORDINANCE AMENDING CHAPTER 723 OF THE NORWOOD CODIFIED ORDINANCE ENTITLED "HOME SALES" AND RENAMING CHAPTER 723 AS "YARD SALE", AS AMENDED.

On a motion by Mrs. Bowling, seconded by Mrs. Hoover, it was moved suspend the rules and have all three readings of the ordinance.

Mrs. Bowling clarified that the rules are being suspended so that the ordinance can be passed in time for the Citywide yard sale in May.

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

On a motion by Mrs. Hoover, seconded by Mrs. Winterbauer, it was moved to pass the ordinance.

Mr. Breadon voted, "No," and all other members present voted, "Yes." The motion passed.

N) ADMINISTRATION REPORTS

Mayor Schneider stated that the Financial Planning and Supervision Commission meeting was held earlier that day, and the Financial Recovery Plan was passed. He commented that the City's spending goal has not been reached yet and that conversations regarding long term financial planning were had during the Commission meeting. A comprehensive street maintenance plan is underway.

Mr. Miracle, Norwood Auditor, stated that he attended the local government officials conference in Columbus, Ohio from March 26-28, 2024 where he took classes pertaining to the duties of a treasurer and manager. He referenced the report on accounting methods and the relative policies and procedures. A rough draft of new policies and procedures has been written and will be reviewed in committee and sent to Council for a vote.

Mr. Moore, Norwood Law Director, referenced an email correspondence regarding the rejection of the Family Dollar's liquor license request, which was rejected because it had the wrong address on the submission. Family Dollar did resubmit not long before the Council meeting with the correct address. In light of this, the hearing was cancelled. Mr. Moore recommended that the request be received and filed, and that the City send a letter to formally withdraw the rejection.

O) UNFINISHED BUSINESS

Mrs. Hoover stated that Lydia's House donations are still being accepted.

P) NEW BUSINESS

Mrs. Hoover stated that it is yard waste bag season and bags are available for free at the Board of Health. Mr. Geers stated that he attended the Norwood Knothole Opening Day Ceremony and read the proclamation in Mayor Schneider's absence.

Q) COMMUNICATIONS

1) Norwood Planning Commission

Re: Proposed Ordinance Text to Amendment to Part 11 of the Norwood Codified Ordinances referencing mobile food trucks

On a motion by Mr. Breadon, seconded by Mrs. Franzen, it was moved to receive and file the letter and schedule a public hearing for May 28, 2024.

Mr. Girton voted, "No," and all other members present voted, "Yes." The motion passed.

2) Family Dollar Liquor License

On a motion by Mr. Breadon, seconded by Mrs. Franzen, it was moved to receive and file the letter as if read and withdraw the objection. All members present voted "Yes." The motion passed.

3) Mayor Victor Schneider

Re: March 2024 Mayor's Court

On a motion by Mrs. Franzen, seconded by Mrs. Bowling, it was moved to receive and file the letter. All members present voted, "Yes." The motion passed.

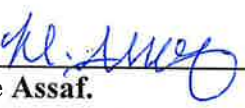
R) EXCUSE ABSENT MEMBERS

On a motion by Mrs. Bowling, seconded by Mrs. Winterbauer, it was moved to excuse the absent member (Ms. Royse).

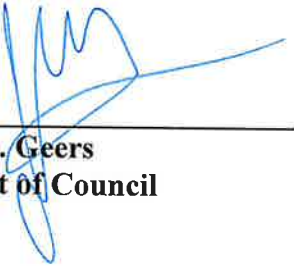
All members present voted "Yes." The motion carried.

S) ADJOURNMENT

On a motion by Mr. Breadon, seconded by Mr. Girton, it was moved to adjourn. All members present voted, "Yes." The motion passed.



Natalie Assaf,
Clerk of Council



Joseph S. Geers
President of Council