

**MADEIRA CITY COUNCIL
APRIL 22, 2019
7:30 PM**

AGENDA

- I. CALL TO ORDER**
- II. INVOCATION/PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. ACCEPTANCE OF AGENDA**

** Items so marked are considered routine items and will be enacted by one motion. There will be no separate discussion of these items unless a Council member, citizen or interested party so requests, in which case, the item will be removed from the Consent Agenda and shall be acted upon as a separate matter subject to discussion and debate. Such request must be made prior to the Council vote approving all matters on the Consent Agenda.*

Consent items to be approved with acceptance of agenda:

- * City Council Regular Meeting Minutes April 8, 2019

V. MAYOR'S MOMENT

- Public Comment Reminder
- In the Community – Mayor Theis
- Special Recognition
 - None

VI. NOTICES OF OTHER MEETINGS OR EVENTS

- Parks & Recreation Committee April 29, 2019, 7:00 pm
- National Day of Prayer (Stephan Field, Indian Hill) May 2, 2019, 7:30 am
- Madeira Art Fair May 5, 2019, 11:00-5:00 pm
- Spring Brush & Limb Pickup May 6-17, 2019
- Board of Zoning Appeals May 6, 2019, 7:00 pm
- Mayor's Court May 8, 2019, 6:30 pm
- Parks & Recreation Board May 8, 2019, 7:00 pm
- City Council May 13, 2019, 7:30 pm
- Madeira Mart City Wide Garage Sale May 18, 2019

VII. COMMITTEE AND OFFICIAL REPORTS

- Parks & Recreation Board April 10, 2019
- Planning Commission April 15, 2019
- Budget & Finance Committee April 22, 2019
- Police Report

MADEIRA CITY COUNCIL

APRIL 22, 2019

7:30 PM

AGENDA (continued)

VIII. COMMUNITY PARTICIPATION **

- **Guest and Registered Visitors**
 - Stan Ragle and Norita Alpin regarding Crosswalk at Euclid and Fowler
- **Correspondence**
 - None

IX. ORDINANCES AND RESOLUTIONS

- Res. No. 16-19 Authorizing the City Manager to Enter into an Agreement with MultiSource Home Electronics, Inc. for the Installation of a Video Display System for the Council Chambers
- Res. No. 18-19 Authorizing the City Manager to Execute a Revocable Street License to the Bradford Place Homeowners Association to Permit the Installation of an Irrigation System in the Public Right-of-Way of Euclid Avenue

X. NEW BUSINESS

- Hamilton County Dept of Planning & Development – CDBG Mini Grant Opportunity

XI. OLD BUSINESS

- Second Goal Setting

XII. EXECUTIVE SESSION

- Pending Litigation

XIII. ADJOURNMENT

**** Per section 30 of Madeira Code, Madeira residents and guest are invited to address council; comments will be limited to 5 minutes. Persons wishing to address council are requested to complete a guest and registered visitors form and deliver to the clerk of council.**

CITY MANAGER REPORT

Thomas W. Moeller

April 22, 2019

CORRESPONDENCE

- None

GUESTS AND REGISTERED VISITORS

- Stan Ragle and Norita Alpin re: Crosswalk at Euclid and Fowler

COMMITTEE AND OFFICIAL REPORTS

- Parks & Recreation Board April 10, 2019
- Planning Commission April 15, 2019
- Budget & Finance Committee April 22, 2019
- Police Report

ORDINANCES AND RESOLUTIONS

- **Resolution No. 16-19. Authorizing the City Manager to Enter into an Agreement with Multi-Source Home Electronics, Inc. for the Installation of a Video Display System for the Council Chambers. Tabled from the April 8th Meeting.** The Technology Committee reviewed the proposal and has recommended the project; the legislation has been referred to the Budget and Finance Committee for funding. Providing the Budget and Finance Committee approves, staff recommends approval.
- **Resolution No. 18-19. Authorizing the City Manager to Execute a Right-of-Way License to the Bradford Place Homeowners Association to Permit the Installation of an Irrigation System in the Public Right-of-Way of Euclid Avenue.** The HOA would like to install a pressurized irrigation system between the sidewalk and curb of Euclid Avenue adjacent to their development. This requires permission from the City. The permit is revocable should the City decide to have it removed. The HOA is required to maintain the system so it does not become a nuisance. This agreement also allows us to have a record of existence so that information can be included in any bid documents/specifications when road work is being accomplished. Oftentimes (mostly on residential property), the property owner installs a sprinkler system or electric dog “fence” within the right-of-way without our knowledge. We do not learn of it until we are doing work along the road. **Recommend Approval.**

OLD AND NEW BUSINESS

- **Hamilton County Community Development Block Grant – Mini Grant Program.** Vice Mayor Spencer and I attended a forum sponsored by the County to announce the CDBG Mini Grant Program. Up to \$40,000 is available for planning studies for

CITY MANAGER REPORT

Thomas W. Moeller

April 22, 2019

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participating communities. Some of the projects previously funded in other communities provided excellent examples for us to consider (see attached). We asked about using the funds to conduct a traffic study for Miami Avenue in the Business District given that this appears to be very high priority from the Comprehensive Plan. We have added this to the agenda under New Business for discussion. We will need to decide quickly because the pre-application is due April 24th. I have spoken with a couple of engineering firms and a traffic study would be in the range of \$30,000-\$40,000 and could include the entire business district.

- **Camargo Road Project Update.** We are still on schedule to being work on the storm system replacement around May 15th. I announced at the last Chamber of Commerce of meeting as well as the Community Leaders meeting the scope of the project and the schedule. We will do our best to stay ahead of the communications to motorists and residents about the progress of the work.
- **2019 Street Program.** We will be bidding the work in time for a contract to be considered at the May 13th Council meeting. The streets included in this year's program are:

Camargo Woods Drive and Court
Maxfield Lane
Woodsway/Rollaway/Rosalee
South and North Mingo

- **Hosbrook House Deck Project.** Work continues to progress on the project. The contractor ran into some old termite damage that needed to be addressed as it was located near the attachment point of the deck to the house. I know the tenant is eager to get the project completed as they want to begin to use the space as the weather improves.
- **Sidewalk Program Update.** The contractor has completed most of the residential work and is now concentrating on the business district including Miami, Laurel, Euclid and Camargo. It appears the project will be completed in the next 30 days or so. We have begun invoicing residents for the work that has been completed. The owner is given 30 days to pay (or set up a payment plan). We will send a "Final Payment Notice" if payment is not received in the 30 days. If still no payment is received, we will certify the cost to the Hamilton County Auditor for the costs to be invoiced on the next property tax bill. We will ask City Council to approve the assessment legislation in early fall. We are also making preparations to inspect the remaining sidewalks that were not included in this most recent project. The areas will include neighborhoods south of Camargo Road, and every neighborhood in the Kenwood Road, Shawnee Run Road area. Inspections will begin May 1st with a May 15th completion date. Notices will be sent to the owners and a contract will be bid in June so we can complete the work and billing process before the end of the year.

CITY MANAGER REPORT

Thomas W. Moeller

April 22, 2019

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- **Planning Commission.** The commission approved a lot consolidation for two non-conforming parcels located at 6035 Kenwood Road. The new lot will conform to all zoning code requirements with the intention of constructing a new home. The Commission also met with Envision LLC to continue discussion on the final draft of the Comprehensive Plan (CP). The majority of the discussion was centered on the proposed “Decision Matrix” to assist the City with scoring projects as a method of prioritizing both “budget” and “effort” projects. The consultant provided an example of how the projects could be scored and ranked to help us better understand the methodology used. The Planning Commission will be hosting one final Public Forum on May 9th in the Council Chambers to allow anyone who has some final thoughts on the proposed draft before it is referred to City Council. It is expected that City Council will also have a position on a future Council meeting agenda to hear any final comments before the plan is formally adopted. Law Director Fox reported to the Planning Commission that Council would have three readings of the legislation as part of the adoption process, unless a motion and vote was taken to waive the three reading process. City Council may discuss this at a future meeting.
- **National Day of Prayer.** Reminder that Indian Hill will be hosting the 2019 National Day of Prayer ceremony at Stephen Field (corner of Drake and Shawnee Run) at 7:30 AM on May 2nd. City Council and staff are invited to attend. Next year we will host the ceremony at McDonald Commons.
- **Camargo Canyon Pump Station Update.** I was contacted by Hamilton County Administrator Jeff Alluoto asking for additional information from the City that would help to support the Camargo Canyon Pump Station Elimination Project. You will recall I attended two BOCC meetings last month asking for consideration of the County Commissioners to include the project in the MSD Capital Improvement Budget. There were several questions asked by the commissioners of MSD officials that still needed a response. One of the issues I identified in my presentation is that the elimination of the station would provide for both additional development as well as allowing some existing houses to abandon their on-site systems and connect to a public sewer. We are developing this information and will submit it to the county as soon as it is completed. Still no guarantees this will move the project forward, but it may assist in justifying the expense to the commissioners.
- **Website Update.** Assistant City Manager will update Council on the status of the website launch.
- **High School Track Replacement.** The school has notified us that the High School Track will be undergoing replacement in late May and will be closed for approximately three weeks. Since a number of residents use the track, we will notify the public via our communication channels and encourage them to use the tracks at McDonald Commons and Sellman Park.

CITY MANAGER REPORT

Thomas W. Moeller

April 22, 2019

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- **Hamilton County Storm Water District.** We are submitting the annual Level of Service and Service Fees for 2020 to the HCSWD. This year, Madeira residents and businesses (based on an average impervious surface area for each “unit”) will be charged \$6.97 for the year for services provided by the HCSWD. The funds are used for inspections for any local illicit discharges and enforcement actions as well as funding for the GIS mapping related to all storm water systems in the county. Part of the HCSWD budget also funds storm water improvement grants. Madeira received one such grant in 2010 for repairs and replacement of a headwall in the Kenwood Hills area. The service fee for 2019 is \$6.96/unit. The assessment is on the Real Estate Tax Bill from Hamilton County. It should be noted that we have chosen to do the development plan review and development inspection services in-house through our building and engineering staffs. This reduces the HCSWD assessment by \$1.16/unit. We believe our staff can do this work in a more timely manner rather than having the county do it.
- **GCWW/Indian Hill Water System Discussion.** We had a productive meeting with GCWW and IH officials this past week. GCWW is still asking questions to seek as much information on the IH system so that they can assemble a proposal to the City. We believe we have answered all of the questions to date. We hope to hear back from them by next month.
- **Board of Zoning Appeals.** The following items are on the May 6th agenda:
 - ✓ **7678 Hosbrook Road.** Variance request for a non-conforming fence on a corner lot.
 - ✓ **7205 Euclid.** Variance request for a non-conforming fence.
 - ✓ **6916 Miami.** Sign variance.

EXECUTIVE SESSION

- Pending Litigation

Mini Planning Grants

- \$100,000 budgeted for grants between \$10,000 and \$40,000
- Can be used for business district plans, bike and pedestrian trails, strategic planning, and community development needs
- Grants should help plan future CDBG projects in the community
- Priority given to jurisdictions with limited staff capacity
- Look for collaboration, leveraging other funds, and high likelihood of implementation
- Recent projects - Delhi Pike Trail, Silverton Streetscape Plan, Reading Master Plan Update

CITY MANAGER INTERIM REPORT

Thomas W. Moeller

April 12, 2019

- **Eagle Scout Project/Hosbrook Bird Sanctuary.** I met with Madeira High School student and Eagle Scout candidate Diego Arrendondo this week. He is preparing to submit an Eagle Scout Project proposal to extend the walking path inside the Bird Sanctuary on Miami Avenue. The project would include a small footbridge across the channel to access the west side of the property. He also proposes to install a wooden bench to complement the use of the trail. He has not yet submitted his project application so we do not know the final project design at the time of this report.
- **2019 Street Program Update.** We are targeting the May 7th Council meeting to award a contract for the work. The majority of the work would be completed over the summer months if the schedule is favorable.
- **Camargo Road Project Update.** We are anticipating the contractor to begin the stormwater system replacement work on May 15th. We will be sending notices to all of the affected residents/businesses later this month to announce the project and to provide information on the scope and timing of the work.
- **CDBG Mini-Grant Program.** Vice Mayor Spencer and I attended a Community Development Block Grant (CDBG) “Mini Grant Program” this week. This program is relatively new to the CDBG Program in the County, and, since Madeira recently rejoined the program in 2018, this is a new element in which we have not participated. The grant program will fund “soft cost” expenses (i.e. studies, designs, specifications, etc.) for various projects. The funds cannot be used for actual construction. Getting some inspiration from projects that were funded for other communities, there are opportunities to fund studies, such as a Traffic Study for Miami Avenue in the Business District or recreational trails. Vice Mayor Spencer would like to place this item on the April 22nd Council Agenda for discussion as the preliminary application is due to the County on April 24th. We will have a more comprehensive report available for the Council meeting.
- **Sidewalk Program Update.** The contractor is finishing the residential areas in the next couple of weeks. They are now concentrating on the Business District and should be finished with the entire program by mid-May.
- **Hosbrook House Deck Project Update.** Service Dept. crews removed the sidewalk on the south side of the building to make way for the new ADA ramp. As we can always expect a surprise or two with “historic” structures, we are finding some things (i.e., old termite damage, an abandoned cistern, etc.) that are requiring some minor modifications to the project. David Ballweg is managing the project for us and has done a good job of keeping the work on track.

These minutes have not been approved by Madeira City Council. Drafts of minutes have not been reviewed or corrected. Amendments may be made before a final approved version of the minutes is available. While comments are welcomed, we do not engage in changing or revising drafts of minutes until directed by a majority of the members of Council at a public meeting. The City of Madeira makes no warranty expressed or implied concerning the accuracy, compliance, reliability, or suitability of these minutes until they are approved by the Madeira City Council.

MADEIRA CITY COUNCIL
REGULAR MEETING MINUTES
APRIL 8, 2019

I. CALL TO ORDER

The meeting was called to order by Mayor Theis at 7:33 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation and Pledge of Allegiance were led by Mayor Theis.

III. ROLL CALL

Members present:

Traci Theis, Mayor
Melisa Adrien
Scott Gehring
Chris Hilberg
Doug Moormann
Brian Mueller
Nancy Spencer

Officials/Staff present:

Brian Fox, Law Director
Tom Moeller, City Manager
Lori A. Thompson, Assistant City Manager
David Schaefer, Police Chief
Kristie Lowndes, Tax Commissioner
Christine Doyle, Clerk of Council

Officials/Staff absent:

Steve Soper, Treasurer

IV. ACCEPTANCE OF THE AGENDA AND MINUTES

1. Changes to the agenda:

- Mr. Gehring asked to add Personnel to Executive Session.

2. Changes to the City Council Regular Meeting minutes from March 25, 2019:

- None

Motion to accept the amended agenda and the March 25, 2019 minutes made by Mr. Hilberg, second by Mr. Moormann. Motion approved by unanimous roll call vote.

V. INVITED GUESTS

- None

VI. MAYOR'S MOMENT

1. Public Comment Reminder

2. Mayor's Moment

- On the theme "Weekends are made for Madeira," Mayor Theis reported the annual Father Daughter Dance was held on Friday night. On Saturday, the first annual 5K Fun Run

sponsored by the Madeira Mustangs Baseball team was held. The grand reopening of Peoples Bank also took place on Saturday. At the event, Peoples Bank presented Chief Schaefer with a check for \$5000.

- This coming weekend, Madeira High School will be presenting *How to Succeed in Business Without Really Trying*, starring Ms. Adrien's son Max. The Hoppin' Vines ribbon cutting will take place on Friday, April 12. The Easter Egg Scramble will take place at 10am on Saturday, April 13. On that same day, Coffee with a Cop will take place from 3:30 p.m. to 5 p.m. at Coffee Please.
- In school news, two Madeira second-grade classes made brochures about Madeira that will be available at the Municipal Building.

3. Special Recognition

- None

VII. NOTICES OF OTHER MEETINGS AND EVENTS

- Parks and Recreation Board April 10, 2019, 7:00 p.m.
- Easter Egg Scramble at High School Field April 13, 2019, 10:00 a.m.
- Planning Commission April 15, 2019, 7:00 p.m.
- Mayor's Court April 17, 2019, 6:30 p.m.
- Good Friday (City offices closed) April 19, 2019
- Budget and Finance April 22, 2019, 6:30 p.m.
- City Council April 22, 2019, 7:30 p.m.

VIII. COMMITTEE AND OFFICIAL REPORTS

1. Technology Committee meeting on April 1, 2019

- Ms. Adrien reported the Committee met to review the bid for the audiovisual equipment for Council Chambers. They agreed the equipment in the bid met their technology goals and referred the bid to Budget and Finance.
- The Committee discussed the Neighbor's Guide to Construction pamphlet, which is available in paper form and will be put on the City website.

2. Board of Zoning Appeals meeting on April 1, 2019

- Mr. Moeller reported the Board heard one request for an addition of a second story to a home on a non-conforming lot on N. Mingo; the request was approved.

3. Law and Safety Committee meeting on April 2, 2019

- Mr. Gehring reported the Committee met to discuss watershed runoff issues. The Committee discussed possible Zoning Code changes that could help the issues. The City Engineer will look at the Code and propose some suggestions.
- Regarding coyote management, Chief Schaefer met with the Kenwood Country Club to discuss the details and logistics of the program.

4. Budget and Finance Committee meeting on April 3, 2019

- Ms. Spencer reported the Committee reviewed the February financials and requested more information from Staff on the cash flow of the JEDZ receipts.

- The majority of the meeting was spent discussing the long-term capital plan, including how the Street Program plan would be impacted by the recently passed gas tax increase, which will generate \$195,000 per year.
- Ms. Spencer asked for Council's input on targeting a 20-year goal for the paving cycle, rather than the ideal 15–17-year cycle or the current 25-year cycle. Council decided to pursue the 20-year target with the hope of continuing to reduce the cycle in the future.
- Mr. Moormann suggested sending a letter of thanks to the Hamilton County delegation of the General Assembly for the gas tax increase.

3. Police Report

- Chief Schaefer shared some of his discussions with Branch Manager Tricia Kelly of Peoples Bank regarding a possible donation. He was surprised by the size of the donation, as it will cover many of the items on the department's wish list.

IX. COMMUNITY PARTICIPATION

1. Guests and Registered Visitors

- Doug Oppenheimer, 7431 Mar Del, asked Mr. Moormann when he was appointed to Planning Commission and by whom. Mayor Theis said that because Mr. Oppenheimer has threatened legal action on the issue, Mr. Fox would respond. Mr. Oppenheimer argued that his letter of April 4, 2019 did not threaten legal action. Mr. Fox stated Mr. Moormann was appointed on November 13, 2017 to Planning Commission by Council. Mr. Oppenheimer said this did not answer his question as to when Mr. Moormann was appointed to Planning Commission replacing Ms. Adrien. Mr. Fox said the City has answered, and he read a portion of Mr. Oppenheimer's letter wherein Mr. Oppenheimer expressly stated, "please be advised that I will refer this matter to legal counsel for further action." Mr. Oppenheimer stated, "If Mr. Moormann is seated at the next Planning Commission meeting, I would very much suggest that you should reconsider that."

2. Correspondence

- None

X. ORDINANCES AND RESOLUTIONS

1. Res. No. 16-19: Authorizing the City Manager to Enter into an Agreement with MultiSource Home Electronics, Inc. for the Installation of a Video Display System for the Council Chambers
 - Mr. Moeller said the Technology Committee asked Staff to provide more information on when and how the equipment would be used. The equipment could be used to display site plans and other materials at Planning Commission and BZA meetings, budgets and resolutions at Council meetings, and presentations at staff training and Chamber of Commerce meetings.
 - The Budget and Finance Committee has not yet reviewed the bid.

Motion to table Res. No. 16-19: Authorizing the City Manager to Enter into an Agreement with MultiSource Home Electronics, Inc. for the Installation of a Video Display System for the Council Chambers made by Mr. Hilberg, second by Mr. Gehring. Motion passed by unanimous roll call vote.

XI. NEW BUSINESS

- None

XII. OLD BUSINESS

None

XIII. EXECUTIVE SESSION

1. Pending Litigation
2. Personnel

Motion to adjourn into Executive Session for the purpose of discussing pending litigation and the employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official made by Ms. Adrien, second by Mr. Moormann. Motion approved by unanimous roll call vote at 8:15 p.m.

Motion made by Ms. Adrien second by Ms. Theis to adjourn Executive Session and return to the regular session at 8:47 p.m. Motion passed by unanimous roll call vote.

XIV. RETURN TO REGULAR SESSION

1. Resolution 17-19

- Mr. Fox stated the Charter does not account for a situation where a member of Council resigns her place on Planning Commission and is replaced by someone who is already a member of Planning Commission. Therefore, in abundance of caution, he recommended that Council pass a resolution to clarify for the record regarding the specifics of the appointment to the Planning Commission.
- Resolution 17-19 would clarify that Mr. Feist is being appointed to a term lasting through 2021. Even though Mr. Moormann is a duly appointed member of Planning Commission, the resolution would reappoint him to Planning Commission as a member of Council for the duration of his term.

Motion to approve Resolution 17-19 made by Mr. Hilberg, second by Mr. Mueller. Motion passed by unanimous roll call vote. Resolution 17-19 is attached to these minutes and is incorporated by reference herein.

Traci Theis	yes
Nancy Spencer	yes
Melisa Adrien	yes
Scott Gehring	yes
Chris Hilberg	yes
Doug Moormann	yes
Brian Mueller	yes

- Mr. Fox added that under Ohio law a resignation merely requires intent and an act of relinquishment, which Ms. Adrien inarguably supplied.

XV. ADJOURNMENT

Motion made by Mr. Gehring, second by Mr. Moormann to adjourn the regular meeting at 8:52 p.m. Motion passed by unanimous roll call vote.

Christine Doyle, Clerk of Council

DRAFT

POLICE CHIEF REPORT

David A. Schaefer

April 22, 2019

- For the month March, Auxiliary Officers worked:
 - Madeira Mayor's Court
- Inside the Tape – Homicide & Crime Scene Management

Detective Rick Byram and Officer Tim Vogel attended a 3 day death investigation course which instructed them at each level in the successful investigation and prosecution of violent offenders. Officers learned to develop crime scene strategies that will afford them the best opportunity to properly document a violent crime scene and to analyze evidence that will eventually lead them down that path to truth. Concentration was on the crime scene and the ability for the Detective to recognize various crime scene indicators coupled with victimology that will make it much easier to establish a proper motive. The course also stressed the importance of physical evidence documentation, collection and analysis as key to an accurate and reliable reconstruction. Further instruction focused on the importance of proper crime scene protocol that will ensure the thorough process and documentation of any crime scene, which often is followed by arrest of the offender(s) and successful prosecution.

- Madeira Police Department statistics for March 2019

Madeira Police Department Statistics for March, 2019

Description	Current Month	Year To Date	2018 Month	2018 Year to Date	Description	Current Month	Year To Date	2018 Month	2018 Year to Date
Hamilton County Calls	189	509	151	489	Alarms	40	103	24	83
Auto Accident Investigations	11	35	6	32	Security Checks	783	2248	1006	2774
Auto Accident Citations	5	19	3	22	Motorist Assistance	21	54	15	38
Hazardous Traffic Citations	43	141	41	139	Suspicious Person / Vehicle	20	68	21	55
Other Traffic Citations	12	39	13	57	Domestics	5	17	2	7
Parking Citations	3	8	2	15	Animal Complaints	11	26	6	19
OVI (DUI) Citations	0	1	0	3	Animal Citations	0	0	0	0
Written Traffic Warnings /COP	32	125	27	102	Traffic Complaints	7	31	2	15
Felony Arrests	0	0	0	3	Traffic Details/Directed Patrols	230	721	297	815
Misdemeanor Arrests	5	16	2	9	Juvenile Complaints	3	8	2	11
Minor Misdemeanor Citations	2	6	2	14	Juvenile Arrests	0	0	0	2
Capias/Recites	15	64	25	62	Life Squad Assistance	48	128	50	179
Vacation Checks	172	558	265	607	Fire Run Assistance	14	44	16	32
Places Found Open	12	33	14	40	School Visits	112	352	182	410
Solicitor Complaints	2	8	1	6	Other Department Assistance	19	67	20	52
Zoning Complaints	20	57	25	54	Self-Initiated Details/Misc.	196	534	329	1249

Vehicle Assessment - Repair Costs			
Car #/Year/Make	Mileage	Current Month	Current Year
Car #113/2013 Tahoe	83,325	\$0	\$1,382.10
Car #115/2015 Tahoe	32,519	\$527.07	\$786.33
Car #116/2016 Tahoe	46,615	\$111.86	\$146.21
Car #117/2017 Tahoe	25,265	\$163.24	\$163.24
Car #118/2018 Charger (K9)	9,382	\$42.35	\$42.35
Car #119/2019 Tahoe	6,025	\$0	\$52.54
2019 New Car	n/a	n/a	n/a
2013 Impala/Chief	108,120	\$1,188.09	\$2,149.29
2013 Impala/Detective	97,145	0	\$92.00
TOTALS	408,396	\$2,032.61	\$4,814.06

Mayor's Court Report	
2019	2018
Fines	\$6,470.00
Seatbelt	\$60.00
Costs	\$1,183.00
Computer Fund	\$740.00
Bonds	\$0.00
Capias Fees	\$410.00
Expungements	\$0.00
Total	\$8,863.00

Mayor's Court Report	
2019	2018
Fines	\$5628
Seatbelt	\$100
Costs	\$1095
Computer Fund	\$670
Bonds	\$100
Capias Fees	\$660
Expungements	0
Total	\$8,253

RESOLUTION NO. 16-19

**AUTHORIZING THE CITY MANAGER TO CONTRACT WITH
MULTISOURCE HOME ELECTRONICS INC. FOR A VIDEO MONITOR
SYSTEM IN THE MUNICIPAL BUILDING COUNCIL CHAMBERS**

WHEREAS, City Council has identified the need to provide a video system for the Municipal Building Council Chambers to better serve the public and members of council in viewing materials presented during public meetings; and

WHEREAS, the City Manager was directed to seek proposals for the installation of a suitable video monitoring system that would provide the appropriate service; and

WHEREAS, Multisource Home Electronics, Inc. has provided a proposal that meets the needs as specified; and

WHEREAS, the final cost exceeds the cost limits imposed by the Madeira Home Rule Charter, therefore requiring approval of City Council of the purchase by appropriate legislative action.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Madeira, State of Ohio:

Section 1. That the City Manager is hereby authorized to contract with Multisource Home Electronics, Inc. for the purchase of a Video Monitoring System for the Municipal Building Council Chamber at a cost not to exceed Thirteen Thousand, Four Hundred, Thirty-Five Dollars (\$13,435.00).

Section 2. That the Treasurer is hereby authorized to pay a sum not to exceed Thirteen Thousand, Four Hundred, Thirty-Five Dollars (\$13,435.00) upon presentation of proper vouchers thereof. Funds shall be allocated from the Capital Improvement and Replacement Fund.

Section 3. That this Resolution shall take effect from and after the earliest period allowed by law.

This Resolution is not subject to referendum per Article XII, Section 3 of the Madeira Home Rule Charter.

RESOLUTION NO. 17-19

CLARIFYING THAT MR. BARRY FEIST IS APPOINTED TO A TERM LASTING THROUGH 2021 AND THAT MR. DOUGLAS MOORMANN SHALL REMAIN ON THE PLANNING COMMISSION

WHEREAS, the Council of the City of Madeira appointed Mr. Douglas Moormann to the Planning Commission on November 12, 2017 and Council desires he remain on the Commission; and

WHEREAS, the Council of the City of Madeira appointed Mr. Barry Feist to the Planning Commission on March 11, 2019; and

WHEREAS, Article VII of the Madeira City Charter provides guidance relative to the composition of the Planning Commission, yet is unclear as to whether a successor to a “member of the Commission appointed thereto as a member of Council” requires re-appointment when said successor was already appointed to the Commission and said successor’s term, now as a member of Council, runs concurrent with the duration of his or her term; and

WHEREAS, the Council of the City of Madeira desires to clarify the duration of Mr. Feist’s and Mr. Moorman’s terms on the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Madeira, State of Ohio that:

Section 1. Pursuant to Article VII of the Madeira City Charter, Mr. Barry Feist shall serve on the Planning Commission for a term lasting through 2021.

Section 2. Pursuant to Article VII of the Madeira City Charter, Mr. Douglas Moormann shall remain on the Planning Commission and serve during his term on Council. To the extent re-appointment under the foregoing circumstances is more compliant with Article VII, Council hereby appoints Mr. Moormann to such term.

This Resolution is not subject to referendum per Article XII, Section 3 of the Madeira Home Rule Charter.

PASSED ON THE 8th DAY OF APRIL 2019 BY THE FOLLOWING 7-0 VOTE:

YEA: NAY: ABSTAIN: ABSENT:

Traci Theis
Nancy Spencer
Melisa Adrien
Chris Hilberg
Scott Gehring
Brian Mueller
Doug Moormann

Traci Theis, Mayor

Christine Doyle, Clerk of Council

RESOLUTION NO. 18-19

APPROVING REVOCABLE STREET LICENSE AGREEMENT BETWEEN THE CITY OF MADEIRA AND THE BRADFORD PLACE HOMEOWNERS ASSOCIATION TO INSTALL CERTAIN IMPROVEMENTS IN THE RIGHT-OF-WAY ABUTTING EUCLID AVENUE

WHEREAS, The Bradford Place Homeowners Association has petitioned the City Council of the City of Madeira to permit certain improvements to be placed in the public right-of-way abutting its property; and

WHEREAS, the Petitioner has acknowledged it has read and understands the revisions, obligations, limitations, and conditions set forth in the attached License Agreement; and

WHEREAS, the City Council of the City of Madeira has reviewed the application and hereby limits the License to the installation of a landscape irrigation system depicted in Exhibit A attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY the Council of the City of Madeira, in order to enhance the public good of a residential area of Madeira, approves and authorizes the following:

Section 1. That the City Manager is hereby authorized to execute on behalf of the City of Madeira the agreement set forth in this Resolution which shall permit The Bradford Place Homeowners Association to install and maintain a landscape irrigation system in the right-of-way of Euclid Avenue located adjacent to their property, upon confirmation that each of the following terms and conditions have been complied with or agreed to as set forth hereinafter;

- a. Petitioner has acknowledged compliance with the terms set forth herein including recognition that the privilege to place improvements within the public right-of-way does not vest the Petitioner with any property right and that all improvements shall be removed by Petitioner or their successors, heirs and assigns without protests upon notice from the City Manager. Petitioner hereby acknowledges that the License Agreement may be recorded by the City of Madeira at Petitioner's cost.
- b. Petitioner shall provide, if so requested by the City Manager, any additional specifications, drawing or other detail determined to be necessary by the Madeira Building Department to ensure that all applicable codes are addressed.

Section 2. That the Council of the City of Madeira recognizes that it is the obligation of the City to keep the rights-of-way of the City free, clear and unencumbered. The granting of a revocable License Agreement is done under special circumstances. The City Council finds in this case there are special circumstances relative to improvements to enhance the aesthetics of the street.

Section 3. That this Resolution shall be in effect from and after the earliest period allowed by law.

This Resolution is not subject to referendum per Article XII, Section 3 of the Madeira Home Rule Charter.

PASSED ON THE _____ DAY OF _____ 2019 BY THE FOLLOWING VOTE:

YEA: **NAY:** **ABSTAIN:** **ABSENT:**

Traci Theis
Nancy Spencer
Melisa Adrien
Chris Hilberg
Scott Gehring
Brian Mueller
Doug Moormann

Traci Theis, Mayor

Christine Doyle, Clerk of Council

CITY OF MADEIRA, OHIO
BRADFORD PLACE LICENSE AGREEMENT

This Agreement is made and entered into effective as of April __, 2019 (the “Effective Date”) by and between the City of Madeira, Ohio (“Licensor”), an Ohio municipal corporation having an address of 7141 Miami Avenue, Madeira, Ohio, and the Bradford Place Euclid Homeowners Association, Inc. (along with any successors and assigns), an Ohio corporation having an address of _____ (collectively, “Licensee”). Licensee owns real property commonly referred to as Bradford Place and wants to install a turf irrigation system within the adjacent right-of-way, which is owned by Licensor. Licensee has requested that Licensor permit the encroachment of said irrigation system between the public sidewalk and street curb on the 7700 block of Euclid Avenue (the “Property”).

1. License. Licensor hereby grants to Licensee a non-exclusive license: (a) to place a turf irrigation system within the Property only as specifically depicted on **Exhibit A**, attached hereto and incorporated herein (the “Licensed Property”); and (b) to maintain, operate, and repair said turf irrigation system within the Licensed Property. Licensee shall use and occupy such portions of the Licensed Property in compliance with all applicable laws, including laws governing hazardous materials and zoning. Licensee shall properly maintain said irrigation system on the Licensed Property.

2. Term. The term of this Agreement (“Term” which shall include any renewal hereof) shall be for one (1) year commencing on the Effective Date and ending at 11:59 p.m. on April __, 2020; provided further, however, this Agreement shall automatically renew for successive one (1) year terms unless either party terminates the Term of this Agreement as provided herein. Either party may terminate the Term of this Agreement by giving the other party written notice at least thirty (30) days prior to the requested date of such termination (the last day of the Term being referred to herein as the “Expiration Date”). If, following the Expiration Date, Licensee remains on the Licensed Property or any part of the Property, Licensor may, at Licensor’s option, treat Licensee as a trespasser, or treat such holding over as a month-to-month license upon the same terms and conditions as set forth in this Agreement.

3. License Fee; Utilities and Other Operating Expenses. During the Term of this Agreement, Licensee shall pay Licensor a license fee in the amount of One Dollar (\$1.00) per year. Licensee shall pay for any and all utilities, costs, and expenses associated with the turf irrigation system. Licensor shall not be liable for damages, consequential or otherwise, arising out of any curtailment or interruption whatsoever in utility services. Licensee shall pay any and all taxes applicable to its equipment and other property located within the Licensed Property.

4. Use of the Property. Licensee shall not store hazardous, dangerous or illegal materials or substances on the Licensed Property. Licensee shall abide by all reasonable rules and regulations of Licensor concerning Licensee’s use of the Licensed Property. No other persons shall use or occupy the Licensed Property without Licensor’s prior written consent. Licensee shall not commit or permit to be committed any unlawful act in or about the Licensed Property, or permit the Licensed Property to be used for any purpose or in any manner which (a) is unsafe, (b) could

constitute a nuisance, or (c) will annoy, obstruct, or interfere with the rights and peaceful occupancy of occupants of adjoining properties. At the end of the Term, Licensee shall remove all of its items from the Licensed Property. Any property not removed by Licensee shall be deemed abandoned and may be sold, stored, or otherwise disposed of by Licensor at Licensee's expense and without liability to Licensor.

5. Condition of the Property. On the Effective Date, Licensee shall accept the Licensed Property in "as is" condition. Licensee shall keep the Licensed Property in a clean, orderly, good and safe condition. Licensee shall properly maintain the irrigation system on the Licensed Property. Upon written notice, Licensee agrees to remove the irrigation system from the Licensed Property within thirty (30) days if (a) Licensee fails to properly maintain said irrigation system, (b) Licensee's use impairs Licensor's ability to use the Licensed Property, (c) Licensee's use causes a danger to the health, safety, or welfare of Licensor or its residents, or (d) if – for **ANY REASON** – Licensor determines that the irrigation system should be removed from the Licensed Property. In the event Licensee does not remove the irrigation system, Licensor may remove the same without further notice and assess Licensee the cost of such removal. Further, in the event that Licensor performs any required maintenance, it shall be entitled to be reimbursed for its costs incurred in doing so from the Licensee.

6. Repair of Damage. During the Term of this Agreement, if Licensee or its employees, agents, or invitees cause any damage to the Licensed Property, Licensee shall pay all costs incurred by Licensor in repairing such damage or, at Licensor's option, Licensor may require Licensee to repair such damage at Licensee's expense. Licensee shall pay any and all amounts so expended by Licensor within ten (10) days after receiving from Licensor an invoice indicating the amount due.

7. Insurance; Waiver. During the Term, Licensee shall maintain, at Licensee's expense, commercial general liability insurance with respect to claims arising in or about the Licensed Property in an amount not less than \$1,000,000.00. Licensee's insurance policy shall (a) name Licensor, any mortgagee, and such other parties as Licensor may designate, as additional insureds, and (b) provide that the policy shall not be modified or canceled without at least thirty (30) days' prior written notice to Licensor. Licensee shall also maintain, at Licensee's expense, insurance on Licensee's personal property kept in the Licensed Property in an amount not less than the full replacement cost thereof. Under no circumstances shall Licensor be liable to Licensee for any loss, damage to, or theft of Licensee's property. Licensee hereby waives all claims, rights of recovery, and, on behalf of Licensee's insurance company(ies), rights of subrogation, with respect to any such loss, damage, or theft.

8. Indemnification. Licensee shall indemnify, defend, and hold Licensor harmless from and against any and all costs, causes of action, judgments, fines, penalties, claims, demands, damages, and liability (including without limitation attorneys' fees) in any way arising from or relating to the Licensed Property or Licensee's use or occupancy thereof during the Term of this Agreement, including without limitation any of the foregoing that may occur, be incurred, or be claimed with respect to (a) any death, personal injury, or loss or damage to property on or about the

Licensed Property, and (b) any of the same resulting from a release of a hazardous material at the Licensed Property during the Term.

9. Default. In the event Licensee fails to comply with or perform any obligation required to be complied with or performed by Licensee under this Agreement within ten (10) business days after receiving written notice thereof from Licensor, then, in any such event (herein, a “default”), Licensor, at its option, without further notice or demand to Licensee, may declare the Term of this Agreement terminated and, upon three (3) business days’ written notice, to order Licensee to vacate the Premises. All rights and remedies of Licensor hereunder shall be cumulative and Licensor shall be entitled to pursue all other rights and remedies available to Licensor at law or in equity. Any and all obligations of Licensee under this Agreement that have accrued but which have not been fully performed by Licensee as of the expiration or termination of the Term of this Agreement, including any indemnity obligations with respect to events occurring during such Term, shall survive such expiration or termination.

10. Notices. Any notices to be given hereunder by either party to the other may be provided either by personal delivery in writing or by mail, registered or certified, postage prepaid, with return receipt requested. Mailed notices shall be addressed as follows:

If to the *Licensee*:

Bradford Place Euclid Homeowners Association, Inc.
c/o _____
Address _____
Address _____
Attention: _____

If to the *Licensor*:

City of Madeira, Ohio
c/o Law Director Brian W. Fox, Esq.
312 Walnut Street, Suite 1800
Cincinnati, Ohio 45202

Either party may change its address for notice by giving notice in accordance with the terms of this Section 10.

11. General Provisions. This Agreement constitutes the entire agreement of the parties as to the subject matter hereof and supersedes any and all prior agreements. This Agreement shall run with the land and be binding upon and inure to the benefit of the parties and their respective successors and assigns. This Agreement may not be assigned by Licensee without Licensor’s prior written consent, which may be withheld in its sole discretion. This Agreement may be amended only by a written instrument signed by both parties. This Agreement is and shall automatically be subject and subordinate to all mortgages hereafter granted with respect to the Property. This Agreement shall be construed in accordance with the laws of the State of Ohio. This Agreement does not create an interest in real property. Licensor shall determine whether to record this Agreement.

