

MADEIRA CITY COUNCIL  
SPECIAL MEETING MINUTES  
JULY 11, 2019

I. CALL TO ORDER

The meeting was called to order by Vice Mayor Spencer at 7:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation and Pledge of Allegiance were led by Vice Mayor Spencer.

III. ROLL CALL

Members present:

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

Officials/Staff present:

Brian Fox, Law Director (arrived at 7:08 p.m.)  
Tom Moeller, City Manager  
Lori A. Thompson, Assistant City Manager

Members absent:

Traci Theis, Mayor

Officials/Staff absent:

David Schaefer, Police Chief  
Steve Soper, Treasurer  
Kristie Lowndes, Tax Commissioner  
Christine Doyle, Clerk of Council

IV. ACCEPTANCE OF THE AGENDA AND MINUTES

**Motion to accept the agenda made by Mr. Hilberg, second by Mr. Gehring. Motion approved by 6-0-1 roll call vote.**

V. COMMUNITY PARTICIPATION

1. Public Comment Reminder

2. Guests and Registered Visitors

- Jane Niehaus, 7211 Fowler, asked what the qualifications would be for someone to serve on the Community Investment Corporation (CIC), their powers, and what would they do when they identified property in the City they'd like to bank.
- Claudia Harrod, 6809 Marvin, expressed concern about including input of people outside the City in the Plan. She outlined concerns about some of the specific recommendations in each of the four focus areas including asking business leaders to relocate to Madeira, starting a CIC, creating a bike trail, changing Miami Avenue, changing housing density, and creating a central meeting area. She also noted Madeira's current number one ranking of area communities.
- Caroline DiMauro, 6549 Madeira Hills, expressed concern that some recommendations are unrealistic and costly and about the expense of creating the Plan. She asked about the procedure for approving the Plan. Vice Mayor Spencer said the next steps would be reviewed later in the meeting.
- Jay Groenke, 7327 Redondo, said there are good, reasonable improvement ideas in the Plan. He suggested those be approved by Council and the controversial items, like the CIC, be removed, noting that even those items could be approved in the future. He

suggested eliminating trendy terms like “road diet,” language that could be interpreted “taxes will be increased,” and references to specific types of desired housing.

- Doug Oppenheimer, 7431 Mar Del, suggested including the cost of items in the Plan, noting from where the money would come. He noted a potential conflict of interest with Mr. Hilberg owning property of Railroad Ave. He asked Mr. Moormann to address meetings he has had with developers.
- Patricia Connelly, 7914 Tances, agreed with the recommendations to incentivize rehabbing homes in Residence B rather than tear them down and to help older residents age in place. She expressed a desire to keep a grocery store in the community and expressed concerns about the high property taxes. Ms. Spencer clarified the City receives 10% of the property taxes, which comprises less than half of the City’s budget.

## VI. ORDINANCES AND RESOLUTIONS

- None

## VII. NEW BUSINESS

### 1. Comprehensive Plan

- Vice Mayor Spencer explained that now that Planning Commission has recommended the Comprehensive Plan to Council, Council will have three readings of the ordinance that would approve Plan. The first reading was at the last Council meeting. Two more readings will take place before Council votes on the Plan. She also explained the Plan contains recommendations, none of which carry the force and effect of law or require that action be taken on their behalf. Council would need to prioritize, discuss, and budget for items they choose to undertake.
- In discussing the process, it was noted that changes on the wording of the Ordinance were recommended at the first reading.
- Mr. Moormann explained that in his profession he works with developers all the time. Should an opportunity arise when he can suggest to developers that there is opportunity in Madeira, he sees it as his responsibility to make the opportunity available to them as a member of Council and Planning Commission and chairman of the Economic Development Committee. It is up the developer to act on the opportunities or not; Mr. Moormann said he has no personal stake in what happens.
  - During the Plan process, there was a meeting with Gordon Food Service to discuss what restaurateurs are looking for when choosing a location for a restaurant and that discussion did inform some of the recommendations in the Plan. There was an email about a meeting with developers, but that meeting never took place.
- Council members gave their overall remarks about the Plan.
  - Mr. Gehring thanked all the residents who volunteered their time to create the Plan. He noted that those who did give their time were not the same people who usually volunteer and, therefore, offered a different perspective. He is supporter of the Plan in general and sees having one as critical for the City. There are areas where he would like to see wording changed.
  - Mr. Mueller also thanked the residents, Envision, the Planning Commission, and Staff for their work. He read Article 7 Section 2 of the Charter, which instructs Planning Commission to adopt a general plan for the municipality. He noted that the plan is so vital to the community that the next section of the Charter stipulates that no change to the plan can be made without five Council votes. He said this allows a stronger role of Planning Commission as per the Charter. He cautioned

against over-editing the Plan and said he would voice his thoughts on individual recommendations if and when they come before Council for action.

- Ms. Adrien expressed her appreciation for residents who participated and is glad to be to the point where Planning Commission can truly plan and advise Council. While not perfect, the Plan would serve as the groundwork for and guide the City into the future by incorporating ideas from a variety of residents, including new residents. She noted the Plan also allows the City to be eligible for grant money from various sources that the City would not likely get without a plan in place.
- Mr. Hilberg echoed his thanks and noted that this is not the end of the Plan; it's the beginning. He said the recommendations are fluid and will change to reflect community input and the City's resources. He said his goal, and likely the goal of each Council member, is to make Madeira a better place, and the Plan allows them to work toward that.
- Vice Mayor Spencer said the process is as long as four years in the planning and began when it was noted that grant opportunities were being missed because the City didn't have a Comprehensive Plan. Who would be involved and how the process for a plan would work was discussed over many public meetings. She said the cost was substantial for a budget that focuses on providing core services, but everyone involved in the process supported the need. The value of the Plan is hard to predict because it's unknown how many grants the City will receive, but it allowed a tremendous outreach into the community. She said the work ahead of Council is to identify the priorities within each section.
- Regarding the question raised earlier, Mr. Mueller stated Community Improvement Corporations (CIC) are subject to most sunshine laws and public records requests; they are subject to audit by the Auditor of State and must file an annual financial report with the Auditor of State. They cannot exercise eminent domain authority or levy taxes and could be shut down by the City at any point. Approval of the Comprehensive Plan does not create a CIC; the creation of the CIC would be a separate undertaking. CICs can help attract developers to older cities where the lots are very small because the CIC works to combine the lots into larger parcels.
- In discussion, it was noted Madeira has had CICs in the past, the last one ending in the early 1990s. Mr. Moormann noted that during the Plan process, the desire for more downtown activity was expressed. A way Loveland and Milford have achieved that is with a CIC.
- When asked how should Council approach the directive language (e.g., should, shall) in the document, Mr. Fox said the beginning of the document clearly states it is not a zoning ordinance and that in order for any of the ideas to become law, there must be some statute or ordinance to bring that idea forward. So Council just needs to set the policy for whether they want to include that language or not.
  - Ms. Adrien suggested the document be reviewed to make sure none of the recommendations are too directive. Ms. Spencer suggested Council members make note of individual language changes to discuss at the next meeting. Mr. Fox suggested making bold the statement that the Comprehensive Plan is not legally binding.
- Council discussed Chapter 5: Economic Development of the Comprehensive Plan. Mr. Moormann said that although the Plan document is long, it does not include the thought process behind the recommendations. Regarding the recommendation to ask business leaders to relocate businesses to Madeira, he said there are many entrepreneurs who live in Madeira, and if they chose to live here then it makes sense to work with them to locate their businesses here. This would also be a way to grow revenue without a tax increase.

The area has many investors and targeting their investments to relocate to Madeira or in the JEDZ would grow revenue for the City.

- Mr. Mueller said he sees the Economic Development section as the most important because of the feedback that residents want to emulate some of the successful neighboring communities and because it will further secure the financial stability of the community.
- Ms. Adrien spoke in favor of the items in the implementation matrix, noting that she sees the value of each, even though some may not be acted upon.
- Council discussed the implementation matrix for Chapter 6: Active Transportation. Mr. Moormann said the section shows residents want options for transportation. Mr. Gehring voiced his support for the need for sidewalks. Ms. Adrien said she appreciated the mix of actionable ideas as well as long-term items.
- Council discussed the implementation matrix for Chapter 7: Community Facilities. Mr. Mueller said that the Comprehensive Plan let the residents voice their priorities, noting that the splash pad idea continues to come up as something some residents desire even though some members of Council don't necessarily understand it. Ms. Adrien added this idea could give the boards and commissions an opportunity to dig deeper and learn what residents would see as possible trade-offs for a splash pad.
  - Mr. Moormann noted the civic space that's recommended would be close to the central business district (rather than at the parks) to encourage foot traffic into businesses and restaurants.
- Council discussed the implementation matrix for Chapter 8: Housing. Mr. Gehring expressed concern about the specific language regarding what changes should be made to the zoning code for Residence B; he suggested the recommendation be simply to revisit the zoning code for Residence B until more research could be done. After discussion, Council agreed to amend language of the fourth strategy on the implementation matrix to remove specific zoning changes.
  - Mr. Hilberg expressed concern about the recommendation to offer tax abatements for rehabs in part because determining the worth of the rehab isn't clear-cut. Mr. Mueller said tax incentives are a tool to be kept in the toolbox for worst time situations, so while he wouldn't want to implement a tax abatement now, it could be useful in the future. Mr. Moormann said the thinking behind the recommendation was to counteract tearing down homes. While a tax abatement might not be the answer, he would like to recognize the desire to incentivize rehabs. Ms. Spencer agreed that the language could be less prescriptive. Mr. Gehring added that with this change to the implementation matrix and the previous one, someone would need to go through the rest of the document to remove references to those specific ideas. There was discussion about whether the tax abatement would be on just the City's portion of the property taxes or all property taxes; Mr. Moeller said he believed it could go either way based on Council's desire. Given the possibility of a large and worthwhile incentive, Mr. Mueller then recommended leaving the text as is and letting the boards and commissions dig deeper into it.
  - Mr. Gehring asked to remove page 61 of the document on high-density house because the information is not specific to Madeira and was not a focus of the Housing Working Group; he fears developers could misinterpret the information and think Madeira is interested in high-density housing. Mr. Mueller added that he does not find a recommendation in the document to change the status quo on density. Council agreed to remove the information on page 61.
  - Mr. Hilberg asked for clarification on the conservation overlays for the neighborhoods. Emil Lisziansky from Envision explained the City of Cincinnati

has started to implement zoning in Mount Lookout and Hyde Park that would prohibit the teardown of a home in order to preserve the existing character of the neighborhood. The program hasn't been used much in this part of the country, so the Housing Working Group recommended monitoring it rather than implementing it in Madeira. Mr. Hilberg said that the homes in Madeira aren't truly historic; he does not support the recommendation.

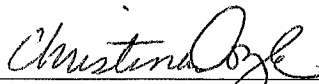
- Mr. Gehring said the Sustainability page has generated concerns in the community. He said there are some items on the list, like preservation of mature trees, that are worth considering in the future. He does not see the need to change the page. Mr. Mueller noted the topic of preserving mature trees has come up at the Parks and Recreation Board as well. Mr. Moormann said the document makes clear the recommendations are for the City as a government and are not for the residents and their individual properties.
- Going forward, Mr. Lisziansky said he would present at the July 22 Council meeting a redline version of the changes discussed at this meeting. Mr. Moeller said the new pages would be posted to the City website before the meeting.
- Ms. Adrien suggested moving some of the next steps information from the Implementing the Vision page to the beginning of the document to make clear the Plan is just the start of the process.

VII. OLD BUSINESS

- None

XV. ADJOURNMENT

**Motion made by Ms. Adrien second by Mr. Hilberg to adjourn the regular meeting at 9:18 p.m. Motion approved by 6-0-1 roll call vote.**

  
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Christine Doyle, Clerk of Council