

MADEIRA CITY COUNCIL
REGULAR MEETING MINUTES
NOVEMBER 11, 2019

I. CALL TO ORDER

The meeting was called to order by Mayor Theis at 7:30 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/Treasurer
Christine Doyle, Clerk of Council

IV. ACCEPTANCE OF THE AGENDA AND MINUTES

1. Changes to the agenda:

- Mayor Theis added the Fire Board meeting to Committee and Official Reports.

2. Changes to the City Council Regular Meeting minutes from October 28, 2019:

- None

Motion to accept the amended agenda and the October 28, 2019 minutes made by Mr. Gehring, second by Ms. Spencer. Motion passed by unanimous roll call vote.

V. MAYOR'S MOMENT

1. Public Comment Reminder

2. Mayor's Moment

- On this Veterans Day, Mayor Theis thanked the veterans in attendance and all veterans for their service and sacrifice.
- The Madeira Amazon Cross Country team finished 17th in the state, and the Madeira Mustangs finished 13th in the state.
- The Madeira Mustangs Football team lost their State playoff game. The CHL named Chris Stewart Coach of the Year and a number of players were named to first and second teams.
- Madeira Needle Artists Group will be donating 58 handmade shawls to Christ Hospital for gravely ill patients. The group grew out of the Madeira 50+ Female and Fun Facebook page started by resident Judy Andrews.

3. Special Recognition

- None

VI. NOTICES OF OTHER MEETINGS AND EVENTS

- Mayors Court November 13, 2019, 6:30 p.m.
- Parks and Recreation Board November 13, 2019, 7:00 p.m.
- Senior Commission November 18, 2019, 6:00 p.m.
- Planning Commission November 18, 2019, 7:00 p.m.
- Budget and Finance Committee November 25, 2019, 6:30 p.m.
- City Council November 25, 2019, 7:30 p.m.

VII. COMMITTEE AND OFFICIAL REPORTS

1. Board of Zoning Appeals meeting on October 4, 2019
 - Mr. Moeller reported the Board heard one request for a front yard setback; it was approved.
2. Budget and Finance Committee meeting on November 11, 2019
 - Ms. Spencer reported the Committee discussed the budget that will be reviewed at the November 25 meeting. One change this year will be that a \$120,000 annual transfer to the street fund will be made to average out 10 years of costs on primary streets. The recommendation was also made for a consistent \$400,000 annual transfer to the street fund to help meet 20-year goals.
 - The appropriations bill will be discussed at the December 9 meeting, with the goal to have it approved by January 1. The final appropriations bill for 2020 will be approved at the end of March.
3. Joint Fire Board meeting on November 11, 2019
 - Mr. Gehring reported the Fire District contract is up for renewal, and the cities have requested minor changes in the language. The contract may not be executed by the end of the year, so the Fire District has requested that each city extend the current contract until January 31 to allow time for the new contract to be executed.
 - Chief Oughterson reported on the three-alarm fire on Laurel to which 45 firefighters responded. The site was difficult to access, and it was a testament to the firefighters that the Madeira Inn was not damaged. The State Fire Marshall is reviewing the footage from a camera at the rear of the building; a determination as to the cause of the fire is expected in a week or so.

VIII. COMMUNITY PARTICIPATION

1. Guests and Registered Visitors
 - Mayor Theis noted that the City received about 75 emails in support of Creativities.
 - Christine Parker, owner of Creativities, addressed Council and said she did not intend to create a firestorm when she sent an email to her business email list about the contract negotiation. She read the email, which included specifics about the lease and that she was not optimistic about the outcome of the negotiation. She said she has agreed to a reduced rate for years three, four, and five of the lease but is asking for a further reduction for years one and two to help her make up for the past rent that she believes was above market value. She noted that her business paid into the City's rental property fund for 10 years, while the other two properties were empty or rented out at below market value.
 - Council discussed with Ms. Parker why she said she was not optimistic about the negotiations. Mayor Theis noted that Ms. Parker was invited to Executive

Session to further the negotiations and that Council could meet to discuss the lease only when in session two times a month.

- Mr. Mueller and Ms. Parker discussed the different proposals offered during the negotiations. One of Ms. Parker's proposals included a rent reduction in exchange for her to manage the property because she said the property is poorly managed. Mr. Mueller said the property is well managed and the City's intent was to renew with Ms. Parker and had not pursued other possible tenants. He said he did not appreciate receiving over 65 emails stating the City was a bad landlord and the City had ended negotiations and was driving Ms. Parker out.
- Kirsten Madsen, 5895 Kenwood Road, thanked Mr. Mueller and Mr. Moormann for their prompt replies to her email. She said she supports Creativities and sees it as having an add-on value to the community, like a dog park would have.
- Tracey Haslinger, 6509 Fox Chase, asked that Council work with Ms. Parker to come to an agreement. She said her child attending an open studio session at Creativities keeps her in Madeira to do her shopping, and she expressed concern about the downtown looking blighted with vacant buildings.
- Doug Oppenheimer, 7431 Mar Del, asked that Council commit to the Historic District and suggested a committee be formed to negotiate with tenants, rather than trying to do that with full Council.
- Mr. Mueller agreed that Creativities offers enjoyment like a park asset, but because it's a for-profit business, there's a line as to how much in taxpayer money he's willing to spend on that operation. He said he does want to maintain the Historic District and is willing to let the Historic District (City owned properties) operate at a breakeven but not at a loss.
- Mr. Moormann said that the City's finances have changed in the last 10 years, as changes at the State level have meant less operating money coming into Madeira from estate taxes and the local government fund. He said Council has been working with Ms. Parker and will continue to do so in a responsible manner given all the competing priorities for the City's funds.
- Kristin Theobald, 6468 Old Barn, said her post on Facebook spoke of the positive things Creativities brings to Madeira, including being a first employer for young people. She said she did not anticipate the emotional reactions that turned into the email firestorm.

2. Correspondence

- None other than those noted above

IX. ORDINANCES AND RESOLUTIONS

1. Ord. No. 19-04: Amending Sections 92.45–92.48 of the Madeira Code Re: Weeds and Grasses: Nuisance—Third reading

- Mr. Moeller said the legislation has not changed since the second reading. The legislation, if approved, would take effect 45 days after it has been publicized.

Motion to approve Ord. No. 19-04: Amending Sections 92.45–92.48 of the Madeira Code Re: Weeds and Grasses: Nuisance made by Mr. Gehring, second by Mr. Hilberg. Motion passed by unanimous roll call vote.

Mayor Traci Theis	yes
Melisa Adrien	yes
Scott Gehring	yes
Chris Hilberg	yes
Doug Moormann	yes

Brian Mueller yes
Nancy Spencer yes

2. Ord. No. 19-05: Amending Sections 32.09 of the Madeira Code Re: Auxiliary Police—
Second reading
 - Mr. Moeller asked Council to make an amendment to the wording in Exhibit A.

Motion made by Mr. Hilberg, second by Mr. Moormann, to change Section A of 32.09 as follows: third sentences to read, “The Manager or designee . . .” and the last sentence to read, “. . .the Manager or designee . . .” Motion passed by unanimous roll call vote.

3. Res. No. 42-19: Authorizing the City Manager to Execute an Amendment to the Lease Agreement with Depot BBQ, LLC, 7701 Railroad Avenue (Train Station)
 - Council opted to discuss the resolution in executive session.

Motion to table Res. No. 42-19: Authorizing the City Manager to Execute an Amendment to the Lease Agreement with Depot BBQ, LLC, 7701 Railroad Avenue (Train Station) until after Executive Session made by Mr. Gehring, second by Ms. Spencer. Motion passed by unanimous roll call vote.

X. NEW BUSINESS

1. Miami Avenue Traffic Study
 - Mr. Moeller said the City received six proposals to conduct the Miami Avenue Traffic Study. He noted the scope of work was identified in the proposal request. Council discussed how best to proceed with bids and agreed to send it to the Law and Safety Committee as it is made up of the chair of that committee, the chair of the Public Works Committee, and the chair of the Economic Development Committee and Council’s liaison to Planning Commission.
 - In discussion, it was noted the Police and Fire Departments would be consulted on the study once a consultant was selected.
 - Ms. Adrien noted that the consultants who submitted proposals for the Comprehensive Plan responded quite differently to the proposal request and suggested the Law and Safety Committee members consider which consultant would be the best fit. Mr. Fox added that the Revised Code says that when responding to competitive bids you analyze the bidders by their experience, financial condition, conduct, performance on previous contracts, facilities, management skills, and ability to execute the contract properly.

XI. OLD BUSINESS

- None

XII. EXECUTIVE SESSION

1. Personnel
2. Real Estate—Sale/Purchase
3. Pending Litigation

Mayor Theis noted Councilmember-Elect Tom Henning would be attending the entire Executive Session and Ms. Parker would be invited to join for the discussion of Real

Estate. Motion to adjourn into Executive Session for the purpose of discussing pending litigation; employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; and to consider the purchase or sale of real estate for public purposes made by Ms. Spencer, second by Ms. Adrien. Motion passed by unanimous roll call vote at 8:33 p.m.

XIII. ORDINANCES AND RESOLUTIONS

Motion made by Mr. Hilberg , second by Ms. Theis, to adjourn Executive Session and return to the regular session at 9:30 p.m. Motion passed by unanimous roll call vote.

1. Res. No. 42-19: Authorizing the City Manager to Execute an Amendment to the Lease Agreement with Depot BBQ, LLC, 7701 Railroad Avenue (Train Station)
 - Motion to approve Res. No. 42-19 made by Ms. Adrien, second by Mr. Moormann.
 - Mr. Moormann stated the tenant initiated the amendment and Council has worked with him to exit the lease.

Motion to approve Res. No. 42-19: Authorizing the City Manager to Execute an Amendment to the Lease Agreement with Depot BBQ, LLC, 7701 Railroad Avenue (Train Station) passed by 6-1 roll call vote.

Mayor Traci Theis	yes
Melisa Adrien	yes
Scott Gehring	yes
Chris Hilberg	no
Doug Moormann	yes
Brian Mueller	yes
Nancy Spencer	yes

XIV. ADJOURNMENT

- Mayor Theis noted that the newly elected Councilmembers would be sworn in at the December 1 meeting, as would a new Mayor and Vice Mayor.

Motion made by Mr. Gehring, second by Mr. Hilberg, to adjourn the regular meeting at 9:33 p.m. Motion passed by unanimous roll call vote.


Christine Doyle, Clerk of Council