

MADEIRA CITY COUNCIL
REGULAR MEETING MINUTES
NOVEMBER 25, 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/Treasurer
Christine Doyle, Clerk of Council

IV. ACCEPTANCE OF THE AGENDA AND MINUTES

1. Changes to the agenda:

- None

2. Changes to the City Council Regular Meeting minutes from November 11, 2019:

- None

Motion to accept the agenda and the November 11, 2019 minutes made by Mr. Gehring, second by Mr. Moormann. Motion passed by unanimous roll call vote.

V. MAYOR'S MOMENT

1. Public Comment Reminder

2. Mayor's Moment

- In her last Mayor's Moment, Mayor Theis said it takes a village to be mayor and recognized her village, including Staff, her fellow Council members past and present, their families, and her family, especially her husband Bill.

3. Special Recognition

- None

VI. INVITED GUESTS

1. Melissa Bishop addressed Council with an update on the Madeira Farmer's Market. She said the market is now a 501(c)(4), with a board and many volunteers; she is the paid manager. The organization breaks even through vendor fees, sponsorship, and contributions from the Madeira Chamber of Commerce. In 2019, the Farmer's Market built up their kids' activities and kids' programming; they started a young entrepreneurship booth; and they increased big events. In 2020, they want to continue the kids' programming; they will explore convenient shopping opportunities; and target the 65+ market.

- Ms. Bishop requested that Council consider allowing the Farmer's Market to operate on Dawson for May through October, rather than moving to Silverwood Presbyterian for an outdoor market in October. They would continue to operate the indoor market from November through April at Silverwood. When asked, Ms. Bishop said the Market could use more electrical access on Dawson. She also sees a benefit to having the Farmer's Market on the same side of Miami as Kroger.

Motion to allow the Madeira Farmer's Market to operate on Dawson Road from May through October made by Mr. Hilberg, second by Mr. Gehring. Motion passed by unanimous roll call vote.

VII. NOTICES OF OTHER MEETINGS AND EVENTS

- City Council Swearing In December 1, 2019, 7:00 p.m.
- Board of Zoning Appeals December 2, 2019, 7:00 p.m.
- Mayor's Court December 4, 2019, 6:30 p.m.
- St. Nicholas Sleigh Ride December 5, 2019, 5:00–9:00 p.m.
- Shop Madeira/Light Up Madeira December 7, 2019, 10:00 a.m.–6:00 p.m.
- City Council Meeting December 9, 2019, 7:30 p.m.

VIII. COMMITTEE AND OFFICIAL REPORTS

1. Parks and Recreation Board meeting on November 13, 2019

- Mr. Mueller reported the Board voted to renew Anne Horne as Chair, to renew Sharon Fox as Co-Vice Chair and to make Ryan McAleer Co-Vice Chair.
- The Board recapped the Fall Costume Parade; it was noted the parade was the largest it has been and the Touch-a-Truck component was well received.
- St. Nick Night will be on December 5. The Parks and Recreation Facebook page has all the stops and times listed. Anyone is welcome at any stop; the Elementary school stop is the easiest at which to park.
- The Board continued to evaluate their slate of events. Possible changes for 2020 include transferring the Summer Splash Party to the Madeira Middle School PTO and the Pictures with Santa to the Key Club.

2. Senior Commission meeting on November 18, 2019

- Mr. Hilberg reported upcoming events will include:
 - Grand Opening of the Senior Center at Traditions, tentatively scheduled for March 4 at 11:30
 - Dementia presentation, tentatively scheduled for March 18
 - A to Zzzzz's of Sleep Health, scheduled for April 8
 - Other possibilities are VA benefits presentation, chronic disease management, Senior Expo, and entertainment night
- Traci Theis was named Volunteer Coordinator for the Senior Commission.
- Mr. Hilberg said the Commission would discuss a program next year that would allow volunteers to adopt seniors in Madeira to give them Christmas gifts.

3. Planning Commission meeting on November 18, 2019

- Mr. Moormann reported the Commission heard a request for zoning change for properties on Laurel and Euclid. Matt Stanley of Legendary Custom Homes owns the properties and

- plans to develop the Euclid property into residences and the Laurel property into businesses with parking. The Planning Commission recommended approval.
- The Commission discussed how best to approach updating the zoning code. In 2020, they will begin to identify pieces of the code and pursue updates to those. When asked, Mr. Moormann said revising the residential sign code was not a high priority.
4. Administration and Personnel Committee meeting on November 18, 2019
 - Mayor Theis reported the Committee adjourned into Executive Session to review applications for Treasurer.
 5. Law and Safety Committee meeting on November 20, 2019
 - Mr. Gehring reported the Committee reviewed the six proposals for the Miami Avenue Traffic Study. They chose three firms to interview on December 3. With committee personnel changing on December 1, Mr. Gehring requested the current committee be maintained through the interview and decision process.
 6. Budget and Finance Committee meeting on November 25, 2019
 - Ms. Spencer reported the monthly financials showed favorability in revenue over last year.
 - The rest of the discussion was in preparation for the Budget Workshop later in the meeting.
 7. Police Report
 - Chief Schaefer reported good feedback on the Costume Parade and Touch-a-Truck
 - Officer Miller visited Madeira Preschool to talk about Halloween safety and stranger danger.
 - Lt. Phillips attended Great Lakes Leadership seminar; Officer Farris attended Glock Armorer Recertification; and Det. Byram attended Crime Scene Processing and Case Management seminar.
 - Lt. Jeff Hagy will retire on November 30; he served the Madeira Police Department for about 16 years. There is a potential second retirement in March 2020. Chief Schaefer anticipates it will be a two-month process to hire each new officer. Over the past ten or more years, the number of new officers entering the recruiting pool has decreased significantly. Council discussed allowing lateral hires, as the Fire Department did, to attract more experienced applicants.
 - The Miami Hills and Shewango traffic enforcement appears to have been successful in changing driver behavior.
 - Officers Farris, Powers, and Roy received letters of commendation for stepping up and helping other communities.
 - When asked, Chief Schaefer did not have an update on a potential School Resource Officer.

IX. COMMUNITY PARTICIPATION

1. Guests and Registered Visitors
 - None
2. Correspondence
 - Rob Kneip sent an email to Council regarding Resolution 44-19.

X. ORDINANCES AND RESOLUTIONS

1. Ord. No. 19-05: Amending Sections 32.09 of the Madeira Code Re: Auxiliary Police—Third Reading
 - Mr. Moeller said there had been no changes since the amendments at the second reading. It would take effect 45 days after passage.

Motion to approve Ord. No. 19-05: Amending Sections 32.09 of the Madeira Code Re: Auxiliary Police made by Mr. Gehring, second by Ms. Spencer. 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. 19-06: Amending the Designation Number of Ordinance No. 19-04 to 19-06 for Ord. Amending Certain Portions of the Property Maintenance Code, Including Sections 92.45–92.48, 92.99, 158.34, 158.40, and 158.99 of the City of Madeira Code of Ordinances
 - Mr. Moeller said due to a clerical error, two ordinances were assigned the number 19-04. The ordinance regarding tall grass would be assigned number 19-06.

Motion to approve Ord. No. 19-06: Amending the Designation Number of Ordinance No. 19-04 to 19-06 for Ord. Amending Certain Portions of the Property Maintenance Code, Including Sections 92.45–92.48, 92.99, 158.34, 158.40, and 158.99 of the City of Madeira Code of Ordinances made by Mr. Moormann, 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

3. Ord. No. 19-07: Zoning Map Amendment Adjusting Boundary Lines of Existing Zoning along Euclid Avenue (in the TROD Area) and on Laurel Avenue (in the BA/RSB Area) 7825, 7827, and 7845 Euclid Avenue/7832, 7838, and 7842 Laurel Avenue—First Reading
 - Mr. Moeller said this is a request to rezone two parcels from Residence B TROD to BA/RSB Area. The second reading and public hearing will take place at December 9 meeting; the third reading will take place on January 13. There was no public comment at Planning Commission meeting.
 - If Council follows Planning Commission’s recommendation to approve the request, a simple majority of Council is needed. If Council does not follow the recommendation, a super majority of Council would be needed.
 - In discussion, it was noted the applicant had approached other owners on Euclid about purchasing their properties, but the owners were not interested.

- The zone changes would actually help clean up the zones, as currently some properties are in two different zones.
 - The final plans for the parcels are not required at this time. If the applicant decides to build single-family homes on Euclid, the lots will need to conform to the Residence B zoning code.
4. Ord. No. 19-08: Amending the Madeira Code Re: Tobacco/Vaping Use—First Reading
- Mr. Fox said the ordinance is in response to the State’s decision to change the age of tobacco use.
 - It was noted that under Proof of Age, the age listed should be 21. The correction will be made at the second reading.
 - Council discussed ways to keep up with these kinds of changes. They also discussed repealing the ordinance and enforcing the State law. Mr. Fox said that is a decision Council could make; it would mean that citations would go to Cincinnati rather than Madeira’s Mayor’s Court.
5. Res. No. 43-19: Authorizing the City Manager to Enter into a Lease Agreement with Christine Parker DBA Creativities, LLC, for the Property Located at 7010 Miami Avenue, Madeira, Ohio (Muchmore House)
- Mr. Moeller reviewed the rental terms to which Council agreed.
 - Motion to approve Res. No. 43-19 made by Mr. Hilberg, second by Ms. Adrien.
 - Council and Mr. Fox discussed that the other changes made to the agreement were sections on subletting; attorney’s fees in the event of default; and first right of refusal.

Motion to approve Res. No. 43-19: Authorizing the City Manager to Enter into a Lease Agreement with Christine Parker DBA Creativities, LLC, for the Property Located at 7010 Miami Avenue, Madeira, Ohio (Muchmore House) 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

6. Res. No. 44-19: Authorizing the City Manager to Enter into a Purchase Agreement for the Property Located at 7409 Dawson Road, Madeira, Ohio
- Mr. Moeller said the sale price is based on the \$130,000 appraisal of the adjacent property; it was noted the property in question is larger. No closing date has been set, and the City may strike the section requiring inspection of the property, as the intent is to raze the home.
 - Motion to approve Res. No. 44-19 made by Ms. Adrien, second by Mr. Gehring.
 - It was noted the property is not incumbered by a long-term lease.
 - Members of Council voiced their support of the purchase. Mr. Mueller said he thinks this is a prudent investment in the City’s largest park. Mr. Moormann said the cell phone tower incentive will pay for the majority of the purchase, and he sees it as prudent for one-time dollars to pay for a one-time expense. Mr. Gehring said this is an opportunity to

make a lifelong improvement to the community. Ms. Adrien said the purchase is incredibly strategic for the future of the community and the price is not at all out of range.

Motion to approve Res. No. 44-19: Authorizing the City Manager to Enter into a Purchase Agreement for the Property Located at 7409 Dawson Road, Madeira, Ohio 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

XI. NEW BUSINESS

1. TREX License/Swing Line Grill

- Mr. Moeller referenced the application and noted the resolution authorizes the license for economic development purposes. Mr. Fox amended Section 2 of the proposed resolution to state the Mayor, rather than the City Manager, signs the application.
- Motion to adopt Res. No. 45-19 as amended made by Ms. Spencer, second by Mr. Hilberg.
- Council discussed the licenses listed on the application; Mr. Gehring said in his experience, the applicant would get whatever licenses the previous business had.

Motion Authorizing Approval of the TREX Liquor License for Swing Line Grill LLC Located at 7710 Railroad Avenue, Madeira, Ohio, 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. Budget Review Workshop

- After a break, Mr. Moeller reviewed the 2020 Draft Budget.
- Council discussed Police Department overtime and the appropriate amount to be budgeted in 2020. It was agreed that Mr. Moeller and Chief Schaefer would take another look at that number.
- Mr. Moeller reported the City did not get the 2020 SCIP funding for Euclid Road; the City will reapply again in 2020 for 2021. The City also did not get the no-interest loan for the waterline project.
- Ms. Spencer noted the revenue for the Muchmore House should be updated to reflect the new lease agreement.
- Mr. Moeller said there is an agreement in principle with Indian Hill for them to take over the water mains as they are replaced by Madeira. The agreement is still being discussed.

XII. OLD BUSINESS

- None

XIII. EXECUTIVE SESSION

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

Mayor Theis said Councilmember-Elect Tom Henning would be attending Executive Session. 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 Mr. Hilberg, second by Ms. Adrien. Motion passed by unanimous roll call vote at 10:20 p.m.

XIV. PERSONNEL

Motion made by Mr. Moormann, second by Mr. Gehring, to adjourn Executive Session and return to regular session at 11:00 p.m. Motion passed by unanimous roll call vote.

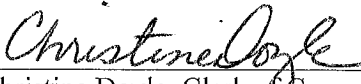
1. Payment for Soper Legal Fees
 - Mr. Fox said he received correspondence from Steve Soper, former Treasurer, including two invoices relative to his expenses in defending himself against an Ohio Ethics Commission investigation. Council needs to decide whether to pay those invoices or reject the request.
 - In discussion, Mr. Moormann said it was a bold request, since Council was not notified of the violation by the former Treasurer. Mr. Mueller said he would generally be willing to pay for the legal defense of City employees; however, in this instance, the case was settled voluntarily, and he believes it's not appropriate to pay. Mr. Gehring added Mr. Soper was defending himself against criminal charges outside the scope of his duties as Treasurer; therefore, it is outside the responsibility of the City to pay his expenses. Mr. Hilberg said tax dollars should not be used to pay the legal fees.

Motion by Mayor Theis, second by Mr. Gehring, to deny payment of legal fees related to former Treasurer Steve Soper's ethics violation. 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

XV. ADJOURNMENT

Motion made by Mr. Hilberg, second by Ms. Spencer to adjourn the regular meeting at 11:07 p.m. Motion passed by unanimous roll call vote.



Christine Doyle, Clerk of Council