

MADEIRA CITY COUNCIL
REGULAR MEETING MINUTES
JANUARY 13, 2020

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Members present:

Nancy Spencer, Mayor
Scott Gehring
Tom Henning
Chris Hilberg
Doug Moormann
Brian Mueller
Traci Theis

Officials/Staff present:

Brian Fox, Law Director
Tom Moeller, 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:

- Mr. Henning asked to add Newly Elected Officials Seminar to New Business.
- Mr. Moormann asked to move Res. 03-20; Res. 08-20; and Res. 10-20 to Ordinances and Resolutions.
- Mr. Gehring asked to add Fire Board meeting to Committee and Official Reports.
- Mayor Spencer added status of Muchmore House lease to Old Business.

2. Changes to the City Council Regular Meeting minutes from December 9, 2019:

- None

3. Changes to the City Council Special Meeting minutes from December 1, 2019:

- None

4. Res. No. 01-20: Requesting the County Auditor to Make Tax Advances During the Year 2020 Pursuant to Ohio Revised Code Section 321.34

5. Res. No. 02-20: Authorizing the City Manager to Enter into a Contract with Clark, Schafer, Hackett & Co. to Render Accounting Services to the City of Madeira Beginning Fiscal Year 2019 and Ending Fiscal Year Ending 2023

6. Res. No. 04-20: Establishing Compensation in Connection with Law Director Brian W. Fox's Provision of Legal Counsel for the Period of His Now-Current Term, Said Term Commencing on December 1, 2019 and Lasting Through November 30, 2021

7. Res. No. 05-20: Authorizing the City Manager to Enter into an Agreement with David Ballweg as the ARO/Building and Zoning Department Coordinator

8. Res. No. 06-20: Authorizing the City Manager to Enter into a Contract with William C. Fiedler for Professional Services as the Chief Building Official (CBO) Commencing January 1, 2020

9. Res. No. 07-20: Authorizing the City Manager to Enter into an Agreement with 143 Engineers to Perform a Traffic Study for the Business District and Miami Avenue Corridor
10. Res. No. 09-20: Authorizing the City Manager to Execute an Agreement with Brandstetter Carroll Inc. for Design and Inspection Services for the 2020 Street Repair Program

Motion to accept the amended agenda; the December 9, 2019 minutes; Res. No. 01-20: Requesting the County Auditor to Make Tax Advances During the Year 2020 Pursuant to Ohio Revised Code Section 321.34; Res. No. 02-20: Authorizing the City Manager to Enter into a Contract with Clark, Schafer, Hackett & Co. to Render Accounting Services to the City of Madeira Beginning Fiscal Year 2019 and Ending Fiscal Year Ending 2023; Res. No. 04-20: Establishing Compensation in Connection with Law Director Brian W. Fox's Provision of Legal Counsel for the Period of His Now-Current Term, Said Term Commencing on December 1, 2019 and Lasting Through November 30, 2021; Res. No. 05-20: Authorizing the City Manager to Enter into an Agreement with David Ballweg as the ARO/Building and Zoning Department Coordinator; Res. No. 06-20: Authorizing the City Manager to Enter into a Contract with William C. Fiedler for Professional Services as the Chief Building Official (CBO) Commencing January 1, 2020; Res. No. 07-20: Authorizing the City Manager to Enter into an Agreement with 143 Engineers to Perform a Traffic Study for the Business District and Miami Avenue Corridor; and Res. No. 09-20: Authorizing the City Manager to Execute an Agreement with Brandstetter Carroll Inc. for Design and Inspection Services for the 2020 Street Repair Program made by Mr. Moormann, second by Mr. Hilberg. Motion passed by unanimous roll call vote.

V. MAYOR'S MOMENT

1. Public Comment Reminder
2. Mayor's Moment
 - Mayor Spencer shared her thoughts on wins and losses. She said, for the City, the wins are earned with attention to detail, bringing in the right resources at the right time, maintaining clear focus on desired outcomes, discussing differing opinions, and taking time to weigh options. The losses come in the form of trade-offs to extend the budget a little farther, slow decision-making to allow for input, a missed opportunity for a project when funding isn't available, and cumbersome but vital processes. Losses lead to lessons that can build to wins. In 2020, the choices Council makes will not be unanimously embraced, but Council will continue the steady work of doing the most good they can for as many people as they can.
3. Special Recognition
 - None

VI. NOTICES OF OTHER MEETINGS AND EVENTS

- | | |
|------------------------|-----------------------------|
| • Senior Commission | January 20, 2020, 6:00 p.m. |
| • Planning Commission | January 20, 2020, 7:00 p.m. |
| • Budget and Finance | January 27, 2020, 6:30 p.m. |
| • City Council Meeting | January 27, 2020, 7:30 p.m. |

VII. COMMITTEE AND OFFICIAL REPORTS

1. Planning Commission meeting on December 16, 2019
 - Mr. Moormann reported there were no applications on the agenda. The Commission did discuss the task of updating the zoning code. The changes will include a reorganization of the code and the creation of a glossary of definitions. Sections of the code to be discussed include subdivisions, the business district, and parks. Assigning Commission members to lead up parts of the project was also discussed.
 - On January 6, the Commission met with the Board of Zoning Appeals at their meeting to discuss the BZA's priorities for the zoning code. These included reviewing the code on fences, corner lots, signs, lot coverage, and accessory structures.
 - When asked, Mr. Moormann said there would be time for public comment on the zoning code changes. The Commission has discussed how to resource this project and are considering hiring outside assistance.
 - Paul Yankie offered his resignation from the Commission.
2. Board of Zoning Appeals meeting on January 6, 2020
 - Mr. Moeller reported there was an item on the agenda for a fence variance in the front yard of the property at the corner of May and Kenwood; that request was approved. The rest of the meeting was spent discussing the zoning code, as reported by Mr. Moormann.
3. Administration and Personnel Committee meeting on January 6, 2020
 - Mr. Hilberg reported the Committee adjourned into Executive Session to discuss personnel appointments.
4. Parks and Recreation Board meeting on January 8, 2020
 - Mr. Mueller reported the Board is continuing to evaluate the validity of the annual events and have decided to look for a responsible party to take over the Summer Splash Party as a fundraiser. Council suggested approaching a sports organization or sports boosters.
 - The Board is planning for the Independence Day festivities at McDonald Commons.
 - They are looking forward to the appointment of new members.
5. Budget and Finance Committee meeting on January 13, 2020
 - Mr. Mueller recapped the 2019 budget and shared an introduction of the 2020 budget capital plan policy and an introduction to the 2020 budget. Mr. Mueller's notes for this report are included in these minutes.
 - The Committee will bring a recommendation for Council to adopt the 2020 budget capital plan policy to the January 27 meeting. The 2020 budget will also be brought to this meeting, as will a recommendation for additional tax revenue.
 - When asked, Mr. Mueller explained that the projections are based on future revenue, including the recent gas tax increase and the upcoming \$5 increase to the motor vehicle license fee.
6. Fire Board meeting on January 13, 2020
 - Mr. Gehring reported the Board approved the 2020 operating budget.
 - The Department is excited to be hiring three additional firefighters. The list includes 42 applicants; the positions should be filled by March.
 - Chief Oughterson was able to save 20% on the department's health insurance, while offering comparable coverage.

- The operating reserve is at 10%. Under the new contract, they cannot keep more than 15% in reserve, so both cities may see some funds returned later this year.

VIII. COMMUNITY PARTICIPATION

1. Guests and Registered Visitors

- Marissa Pherson, a recruiting assistant for the 2020 Census, asked Council to inform residents about the need for census workers, as Hamilton County will hire about 5,000 people to help with the census. Counting each person is important because government funds are distributed to states, counties, and cities based on population. Also Ohio is at risk for losing a representative in the House if the population in the census drops. The census mailing will go out in March and many of those hired will be used for non-response follow-up. Those interested can learn more and/or apply online at 2020census.gov.
- Doug Oppenheimer, 7431 Mar Del, asked for a copy of Mr. Mueller's Budget and Finance report. He also asked for the time of the Administration's meeting with ODOT officials regarding the roundabout at Miami and Galbraith. Mr. Oppenheimer was informed that it was a field meeting and not a public meeting; he said he would be attending the meeting.

2. Correspondence

- None

IX. PUBLIC HEARING

1. 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
 - Mr. Moeller referred to the maps and illustrations in the ordinance. The applicant is planning a commercial project on Laurel and a residential project on Euclid. The lots on Euclid would need to be reconfigured for a future project.
 - Prior to this public hearing, Planning Commission reviewed the information, held a public hearing, and recommended approval. Council had the first reading of the ordinance, and the third is scheduled for January 27.
 - Mayor Spencer opened the public hearing; there were no comments so she closed the public hearing at 8:23 p.m.

X. EXECUTIVE SESSION

Motion to adjourn into Executive Session at 8:24 p.m. to discuss the employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official made by Ms. Theis, second by Mr. Hilberg. Motion passed by unanimous roll call vote.

Council returned to Regular Session at 8:30 p.m.

XI. ORDINANCES AND RESOLUTIONS

1. 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—Second Reading

- No changes.
2. Ord. No. 19-08: Amending the Madeira Code Re: Tobacco/Vaping Use—Third Reading
- Mr. Fox said this legislation reflects the changes made to the Ohio Revised Code on tobacco and vaping use.

Motion to approve Ord. No. 19-08: Amending the Madeira Code Re: Tobacco/Vaping Use made by Ms. Theis, second by Mr. Moormann. Motion passed by unanimous roll call vote.

Mayor Nancy Spencer	yes
Scott Gehring	yes
Tom Henning	yes
Chris Hilberg	yes
Doug Moormann	yes
Brian Mueller	yes
Nancy Spencer	yes

3. Res. No. 11-20: Appointing C. Robert Paul as Treasurer for the City of Madeira, Ohio, and Establishing Compensation thereof for the Period Beginning January 14, 2020 through November 30, 2021
- Mr. Moeller said Council has set the salary at \$27,000 per year with an increase to \$30,000 after a period of six months.
 - Mr. Moeller said that, per the Charter, an ordinance is needed to make the appointment, not a resolution. Mr. Fox noted the changes in wording that needed to be made to the resolution and said the ordinance would not be subject to referendum.
 - Mr. Moormann stated Mr. Paul was vetted by the Administration and Personnel Committee and the appointment was discussed in Executive Committee. He invited Mr. Paul to speak. Mr. Paul said that he has been a CPA for 26 years and is the CFO of Alpine Valley Water. He said he has a lot of ideas and would work in the best interest of Madeira. Mayor Spencer added that Mr. Paul demonstrated in the interview that he would be a proactive partner with the City.

Motion to change Res. No. 11-20: Appointing C. Robert Paul as Treasurer for the City of Madeira, Ohio, and Establishing Compensation thereof for the Period Beginning January 14, 2020 through November 30, 2021 to Ord. No. 20-01 made by Ms. Theis, second by Mr. Gehring. Motion passed by unanimous roll call vote.

Motion to approve Ord. No. 20-01: Appointing C. Robert Paul as Treasurer for the City of Madeira, Ohio, and Establishing Compensation thereof for the Period Beginning January 14, 2020 through November 30, 2021 made by Ms. Theis, second by Mr. Hilberg, passed by unanimous roll call vote.

Mayor Nancy Spencer	yes
Scott Gehring	yes
Tom Henning	yes
Chris Hilberg	yes
Doug Moormann	yes
Brian Mueller	yes
Nancy Spencer	yes

4. Res. No. 03-20: Authorizing the City Manager to Contract with the Miami Valley Risk Management Association (MVRMA) for Property, Casualty and Liability Insurance for FY 2020

- Mr. Moeller said the City has been a part of this risk insurance pool since 1994. The rates went up \$15,000 due to a Police Department accident as well as increases to stop gap insurance that affected everyone in the pool.
- When asked, Mr. Moeller said the City hadn't shopped around for insurance in quite some time. Mr. Moormann encouraged looking into other options in the future.

Motion to approve Res. No. 03-20: Authorizing the City Manager to Contract with the Miami Valley Risk Management Association (MVRMA) for Property, Casualty and Liability Insurance for FY 2020 made by Mr. Henning, second by Mr. Gehring. Motion passed by unanimous roll call vote.

Mayor Nancy Spencer	yes
Scott Gehring	yes
Tom Henning	yes
Chris Hilberg	yes
Doug Moormann	yes
Brian Mueller	yes
Nancy Spencer	yes

5. Res. No. 08-20: Authorizing the City Manager to Enter into an Agreement with Brandstetter Carroll, Inc. for Consulting Engineering Services

- Mr. Moeller said this is the annual contract for general engineering; the City is charged on a hourly basis.
- Mr. Moormann asked if a cap could be added. Mr. Moeller said the cap could be the amount that is budgeted for this expense. He said he would make that change and bring the legislation back to the next meeting.

Motion to table Res. No. 08-20: Authorizing the City Manager to Enter into an Agreement with Brandstetter Carroll, Inc. for Consulting Engineering Services made by Ms. Theis, second by Mr. Hilberg. Motion passed by unanimous roll call vote.

6. Res. No. 10-20: Authorizing the City Manager to Execute Change Order No. 1 with R. A. Miller Construction for the 2019 Sidewalk Replacement Program

- Mr. Moeller said the change order was for replacement of the apron on the Municipal Building driveway and the installation of the sidewalk at 7796 Shawnee Run Road. The sidewalk will be billed back to the property owner; if the bill is not paid, the cost will be assessed to the property taxes.
- Motion to approve Res. No. 10-20 made by Ms. Theis, second by Mr. Gehring.
- Mr. Mueller voiced his support of the sidewalk program and would like to see it continue citywide on an annual basis.
- Mr. Moormann said he wanted to have the record state the sidewalk would be charged back to the property owner, as that was noted in the Manager's Report but not in the resolution.

Motion to approve Res. No. 10-20: Authorizing the City Manager to Execute Change Order No. 1 with R. A. Miller Construction for the 2019 Sidewalk Replacement Program passed by unanimous roll call vote.

Mayor Nancy Spencer	yes
Scott Gehring	yes
Tom Henning	yes
Chris Hilberg	yes
Doug Moormann	yes
Brian Mueller	yes
Nancy Spencer	yes

XII. NEW BUSINESS

1. Laurel/Miami Pedestrian Safety
 - Mayor Spencer said the traffic study would be kicking off this week, but since results would not be in for four month, she asked if there were interim steps that could be taken to make the intersection safer. Chief Schafer said the four-way red at the intersection has already been increased. The Police Department does enforcement there four or five time per week, although there is limited visibility for the officers.
 - After discussion, Council decided to continue the enforcements; possibly park an unmanned Police vehicle at the intersection at times; and look at the timing of the walk signal to see if it's enough time to cross safely. All other changes would wait for the expert recommendations of the study. It was noted that the safest crosswalks to use at the intersection are between Fifth Third to Peoples Bank and between Fifth Third and Adrien Pharmacy.
2. Newly Elected Officials Seminar
 - Mr. Henning reported he attended the seminar with over 50 other elected officials. Sessions included ethics and public records; city and township governments; finance; and planning and economic development. He highly recommended the seminar for both new and veteran officials.

XI. OLD BUSINESS

1. Status of Muchmore House Lease
 - Mr. Moeller said there were items in the lease approved by Council that were different from the previous lease, so the tenant is having an attorney review it. Mr. Moeller has been working with the tenant on clarifications and changes; the section on subletting would be discussed in Executive Session.
 - Council discussed the status of the lease. They agreed to put an operating resolution on the agenda for the next meeting that would state the lease is month-to-month under the terms of the old lease and that a new lease would have a new effective date.
2. Personnel
 - Mr. Moeller said Ms. Thompson is traveling for a year, but she may work remotely on a part-time, hourly basis.

XIII. EXECUTIVE SESSION

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

3. Personnel

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. Moormann, second by Mr. Henning. Motion passed by unanimous roll call vote at 9:14 p.m.

XIV. PERSONNEL

Motion made by Mr. Gehring, second by Mr. Henning, to adjourn Executive Session and return to regular session at 10:06 p.m. Motion passed by unanimous roll call vote.

Motion to appoint Melisa Adrien to the unexpired term of Paul Yankie on Planning Commission made by Mr. Hilberg, second by Mr. Moormann. Motion passed by unanimous roll call vote.

XV. ADJOURNMENT

Motion made by Mr. Gehring, second by Mr. Henning, to adjourn the regular meeting at 10:10 p.m. Motion passed by unanimous roll call vote.



Christine Doyle, Clerk of Council

Mr. Mueller's notes for his Budget and Finance meeting report:

My committee report will include a 2019 recap, introduction of the 2020 Budget Capital Plan Policy, and introduction of the 2020 budget.

- *2019 year end budget recap...*
 - *Revenues - ended up very close to as forecasted at the beginning of 2019*
 - § *Property tax rev up \$154k over 2018, or 6.5%*
 - § *Earnings tax rev up \$193k over 2018, or also about 6.5%*
 - § *JEDZ revenue (not including JEDZ fees) up \$26k, or 5.8%*
 - § *Admissions Tax began partway through 2019, bringing in a new \$147k (projected to be \$190k in the full year of 2020)*
 - § *Interest income was up notably, by \$37k or 68%*
 - *Expenses - Our total general fund expenses - not including transfers to SR-21 Street Repair - were up \$710k from 2018, or 10%. Notable items include:*
 - § *The Fire Division expense up \$263k over 2017, or 15.8% (using 2017 b/c 2018 was odd year with \$175k one time refund)*
 - § *Solicitor expense up \$53k over 2018, or 45%*
 - § *Police department was up \$151 over 2018, or 7%*
 - § *Capital Improvements expense was down to \$0 in 2019, as we postponed or canceled all projects as we evaluated how to proceed after the defeat of Issue 16, along with passing an interim appropriations before we passed the final appropriations in March, 2019. Keep in mind, this was following a spartan 2018 for capital improvements, having only completed a \$15k traffic signal at the intersection of Miami & Galbraith, \$10k for the police department's digital speed signs, and \$65k for police radios. Technically, the last 2 items aren't really City capital improvements; they are Police Department expenses.*
 - § *And in fact, if you go all the way through 2015 and you eliminate the PD expenses, you'll see an average annual Capital Improvement expense total of just \$40k per year, and a total of 9 postponed or canceled capital improvement projects (such as the municipal plaza project or McDonald Commons courts).*
 - *Thus, I want to be clear that when one looks at the end of 2019 and sees a GF balance of \$2.5MM which is \$542K above the amount we need to satisfy the 27% Rainy Day Fund policy; that this is not good news. It is not good news because it simply represents Council choosing - year after year - to prioritize maintaining the 27% Rainy Day Fund balance over maintenance of capital assets. Additionally, Council over the years has not allocated any money to decreasing the age of our streets.*
- *As part of the 2019 review, the Committee also reviewed the City's performance on the recently released 2018 Financial Health Indicator Scorecard, published by the Ohio Auditor's Office. As expected, the City's score worsened in 2018 from 2017, scoring poorly in 4 categories including - again - Condition of Capital Assets.*
 - *The Committee believes that this scorecard is one more tool that verifies our own internal conclusions for concern. Prior to 2016 when Ohio Auditor Dave Yost created this tool, there was no quick and easy way to determine the financial health of a town. And too many towns seemed shocked to have ended up in fiscal emergency, seemingly out of the blue. The scorecard uses our financial data that is sent to the Ohio Auditor's Office and essentially subjects it to a financial stress test to reveal good or bad trends. This can alert towns to financial problems at an early stage when they are much easier to solve.*
 - *As I mentioned already, it can be tempting to look at Madeira's historical approach to budgeting and conclude that everything is okay. But our scores on the Financial Health Indicator Scorecard are telling us otherwise, and rightfully so. We're balancing our budget by delaying maintenance of our streets and capital assets. The warning in the scorecard is serious:*
and I quote:

"When a [city] delays improving or replacing capital assets in order to maintain cash flows for other purposes, improvements and replacements [eventually] become absolutely necessary and may contribute to financial hardship on an already strained budget."

○ *At the beginning of 2018 the Budget and Finance Committee and City Council determined that we did indeed have, an already strained budget and overly aging infrastructure.*

The Ohio Auditor's scorecard, a process continued by current Ohio Auditor Keith Faber, agrees.

• *This is why the 2020 budget will be markedly different from previous budgets. The 2020 budget will show the level of investment needed to maintain our streets on a 20 year lifespan and prevent our capital assets from becoming dilapidated.*

○ *This new but more realistic budget approach started in 2018 and became a Council supported approach on June 10th, 2019 when City Council unanimously passed Resolution 24-19, adopting the 2019 Capital Plan Policy.*

○ *With this resolution City Council directed the Budget and Finance Committee to establish an annual General Fund transfer to CI&R that would maintain our capital assets, establish a street repair cycle averaging 20 years, and preserve the 27% Rainy Day Fund.*

• *This evening the Budget and Finance Committee recommends that City Council again adopt a 2020 Budget Capital Plan Policy. This is a memo the B&F committee will publish annually in order to confirm Council agreement and explain the reasoning behind the year's budget. The 2020 update does not contradict the 2019 policy, but merely updates it for the latest circumstances. The Budget and Finance Committee hopes you will support this resolution when brought forth at the 1/27 City Council meeting.*

• *At the 1/27 City Council meeting you will also be shown the final 2020 budget. Here is how we achieve the directives of City Council's 2019 Resolution 24-19 in the 2020 budget:*

○ *First, We allow the SR-21 Street Repair and the CI&R funds to grow reserves so that we can afford large projects when they come due. For example, SCIP roads, or, the \$250k repair needed for the McDonald Commons culvert.*

○ *Next, We fund non-SCIP street repair at \$610k/year*

○ *Then, We fund SCIP street repair at \$120k/year (of general fund money), representing a \$500k average match for SCIP projects every 4 years. This will be the first time the City of Madeira has saved for SCIP projects and it is key to ensuring our residential streets improve to the 20 year life cycle.*

○ *Finally, we fund capital improvements and maintenance per a 30 year schedule, which averages out to \$268k year (as I mentioned previously, our current average is only \$40k/year).*

• *Implementing these changes - paying for the basic infrastructure costs of our day - will cause the City to run an average annual operating deficit of about -\$350k/year. If we include the expected increases from the JFD next year, that operating deficit will increase to -\$520k/year. Without additional revenue, our ~ \$2MM rainy day fund reserve would be depleted in less than 5 years.*

• *This is why at the 1/27 City Council meeting and after Council adopts the 2020 Budget Capital Plan Policy, the Budget and Finance Committee will make a recommendation for additional tax revenue in order to meet the objectives of Resolution 24-19 while maintaining the 27% Rainy Day Fund policy.*

End of Mr. Mueller's notes