

MADEIRA CITY COUNCIL  
REGULAR MEETING MINUTES  
JANUARY 27, 2020

I. CALL TO ORDER

The meeting was called to order by Mayor Spencer at 7:35 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  
C. Robert Paul, Treasurer  
Kristie Lowndes, Tax Commissioner  
Christine Doyle, Clerk of Council

IV. ACCEPTANCE OF THE AGENDA AND MINUTES

1. Changes to the agenda:

- Mr. Moormann asked to add Coyotes and ICRC Television to New Business.
- Mayor Spencer added Public Art Project by Madeira Elementary School to New Business.
- Mr. Gehring asked to add Tree City USA update to Old Business.

2. Changes to the City Council Regular Meeting minutes from January 13, 2020:

- Mr. Moeller corrected a name in the Committee and Official Reports section.

**Motion to accept the amended agenda and the amended January 13, 2020 minutes made by Mr. Moormann, second by Ms. Theis. Motion passed by unanimous roll call vote.**

V. MAYOR'S MOMENT

1. Public Comment Reminder

2. Mayor's Moment

- Mayor Spencer spoke about the Madeira youth basketball program and how it reaches across ages to foster teamwork and mentorship. It also requires volunteers to give of their time and talents to support a strong community. The High School kicked off their Hope Squad this week, offering peer support and recognition of ways everyone can make a positive impact on mental health. She said Madeira is rich with those who give of themselves for others, and with neighbors who do the same. She thanked Mr. and Mrs. Thomas for their \$250,000 donation to the Madeira Police Department.

3. Special Recognition

- None

4. Oath of Office for Treasurer

- Mayor Spencer swore in C. Robert Paul as City Treasurer.

VI. NOTICES OF OTHER MEETINGS AND EVENTS

- Mayor's Court January 29, 2020, 6:30 p.m.
- Board of Zoning Appeals February 3, 2020, 7:00 p.m.
- City Council February 10, 2020, 7:30 p.m.

VII. INVITED GUESTS

1. Karen Falter, Candidate for Judge Hamilton County Court Common Pleas, introduced herself to attendees and Council. She is a career public servant who has served Hamilton County as assistant prosecutor, a magistrate hearing cases involving children, and, currently, as a magistrate in the court of domestic relations. She said she is the endorsed candidate for the Hamilton County Republican Party Judicial Selection Committee.
2. John Rabenold said he was at the meeting on behalf of Jared Davis, who had applied for a TREX liquor license at the Pub 81 property on Camargo Road. He said Mr. Davis is confident he would acquire the property, which is currently in foreclosure, and has already acquired an abutting property for parking. The liquor license would allow them to provide a turnkey business for someone to come in and run. Tom Walter and Tom Ashmore spoke about concerns with the application and the development; the concerns are included in the minutes for the discussion of the TREX license below.

VIII. COMMITTEE AND OFFICIAL REPORTS

1. Senior Commission meeting on January 20, 2020
  - Mr. Hilberg reported the following programs and events would be held at the Madeira Senior Center at Traditions at Camargo.
    - Madeira Senior Center grand opening on March 4 at 11:30 a.m.
    - Dementia presentation on March 18 at 1:00 p.m.
    - A to Zs of Sleep Health on April 8 at 1:00 p.m.
  - The Senior Commission is starting the process to establish a Madeira Senior Enrichment Fund as a 501(c)(3); it would have a board and be able to accept donations. The designation would also allow payments for yoga classes, for example, to be used to pay a yoga instructor.
  - Ms. Theis, the volunteer coordinator for the Senior Center bookings, said Traditions has said the Center can be used for "social interaction that enriches the lives of seniors," where seniors are anyone 50 years or older.
2. Planning Commission meeting on January 20, 2020
  - Mr. Moormann reported Melisa Adrien has been appointed to the Planning Commission.
  - At the meeting, the Commission discussed a draft request for proposal (RFP) for assistance in rewriting the zoning code. They discussed the scope of services and made some edits. The RFP has been sent to consulting firms, and proposals are due in mid-February. The RFP is nonbinding, so the Commission will evaluate the responses and then decide whether to pursue interviews.
3. Administration and Personnel Committee meeting on January 22, 2020
  - Mr. Hilberg reported the Committee adjourned into Executive Session to interview candidates for appointments to Planning Commission and Parks and Recreation Board.

4. Budget and Finance Committee meeting on January 27, 2020
  - Mr. Mueller reported they reviewed the monthly financials.
  - The Committee discussed that Indian Hill Water Works (IHWW) is open to taking over ownership of the waterlines currently owned by the City. This would be less impactful to residents than if the waterlines were to be taken over by Greater Cincinnati Water Works. IHWW could increase fees by percentage of water usage, rather than a flat fee, and they are open to stepped increases. IHWW should be able to spread out the costs of Phase 1 and Phase 2 waterline replacement over a longer time than the City would have been able to. Mr. Gehring said the City could have a contract to transfer ownership in the next six months.
  - The Committee reviewed the 2020 Budget and Capital Plan Policy to be discussed later in the meeting.
  - The 2020 budget continues to fund the Police Department and Joint Fire Department, which accounts for 54% of the City's general fund total expenditures. For the first time, the budget will fully fund residential street paving on 20-year cycle, rather than the longer cycle of the past, and save in advance to meet the local match for SCIP grants. The budget funds the purchase of a Ford pickup and lawn mower for the Service Department; the reconstruction of the Municipal Building plaza; an allocation to Park assets; and the purchase of audio/visual equipment for Council chambers, new computers for the City administration, and a new lift for the Municipal Building. The budget also dictates that funds be set aside each year for ongoing capital improvements.
  - The result of the new approach to budgeting will result in a \$330,000 annual deficit that will deplete 80% of rainy-day reserve in five years. The outlook worsens when factoring in expected Joint Fire District costs in 2021.
  - The Committee discussed ways to compensate for State funding cuts since 2013 and large increases for operating the Joint Fire District. The City would need to either cut \$550,000 a year or generate that same amount. They discussed but decided against eliminating waste collection and assessing abutting properties for road and waterline improvements.
  - To increase revenue, the Committee discussed and unanimously recommended a \$5 additional motor vehicle license fee. Having this fee is a scoring component for SCIP funds. In addition, the Committee recommended new tax revenue in the amount of \$550,000 to \$570,000 with the assumption Council would choose between two revenue options: reduce the earnings tax credit from 90% to 60% or charge \$14 per month for waste collection.

**Motion to add Ord. No. 20-XX: To Levy a Permissive Motor Vehicle License Tax Pursuant to Ohio Revised Code Section 4504.173 to the next meeting agenda made by Mr. Mueller, second by Ms. Theis. Motion passed by unanimous roll call vote.**

- Council discussed the credit reduction option, noting the reduction is a progressive tax approach; it would not affect businesses; the tax credit has been reduced in the past; it is a flexible approach and could be increased by future Councils if other revenues increased; and it would not impact those on a fixed income. Regarding the waste collection fee, it was noted the fee would be a regressive tax; it would impact businesses because some currently do not pay for waste collection; it would include a 5% administrative fee to the water companies that would collect the tax; it would likely become permanent; the cost would be less than what is paid in peer communities or in the open market; and it would better insulate the City from increasing waste collection costs.

**Motion to put Ord. No. 20-02: Amending Section 97.08 Credit for Tax Paid to Another Municipality or Joint Economic Development District on the next meeting agenda made by Mayor Spencer, second by Ms. Theis. Motion passed by unanimous roll call vote.**

- During the three readings of the ordinance, Council agreed to further consider the details, including the rate of the credit reduction, the duration of the reduction, and the effective date of the reduction.

5. Police Report

- Chief Schaefer reported there was increased traffic enforcement on the newly repaved section of Camargo; infractions decreased noticeably over the four weeks of the enforcement. There were no egregious infractions on the first day of the four-way stop at Camargo and Esther/Morrison.
- Lt. Phillips attended a Peer Support Team training seminar. The Peer Support Group is focused on improving the mental health of all first responders and their families. In the training, attendees learn to identify signs of trauma and learn how to respond.
- The promotional test for current officers will be held January 29, based on the retirement date of Lt. Hagy; a second lieutenant will retire on February 8. Of the ten eligible officers, five or six have opted to take the exam. The process to hire entry-level police officers has also begun. There were 41 applicants and 35 have been invited to the physical fitness assessment.
- Mr. Moormann asked about the zoning complaints the Department responded to in 2019. Chief Schaefer said the complaints were typically for unsecured sites and work being done past permitted hours.
- Sixteen cameras have been installed in and around the Municipal Building. In the future, a spot in the parking lot will be designated as an Internet/custody exchange site. Upon request, Chief Schaefer will investigate if having the cameras would result in a reduction in insurance rates.

IX. COMMUNITY PARTICIPATION

1. Guests and Registered Visitors

- David Holwadel, 6022 Cherokee, spoke on the City's conservative annual budgets and the possibility of a tax increase. Copies of his full remarks are available at the Municipal Building.
- Christine Parker, 7411 N. Timberlane, said she and Mr. Moeller had been working on the terms of the lease; her attorney had requested one additional clarification. Further discussions about the lease are included in the minutes under Old Business below.

2. Correspondence

- Robert Gehring submitted his resignation letter as member of the Board of Trustees of the Madeira and Indian Hill Joint Fire District.

X. ORDINANCES AND RESOLUTIONS

1. Res. No. 13-20: Authorizing Approval of a TREX Liquor License for Madeira Bar Group, LLC, Located at 7840 Camargo Road, Madeira, Ohio

- Motion to approve Res. No. 13-20 made by Mr. Moormann, second by Ms. Theis.

- Tom Ashmore told Council that, per the County Auditor's site, he is the owner of the property at 7840 Camargo Road, and the Madeira Bar Group holds the mortgage to the property. He said the request for a liquor license was premature, as the applicant does not own the property. He also noted that he negotiated the parking arrangements for a restaurant on that property, and the necessary parking spots may not be available to another operator. Council discussed TREX licenses; it was the understanding of Council that it was possible to own a liquor permit and not own the property but that a TREX license does need to be associated with an address where the liquor license will be operating.
- Tom Walter, 6667 Euclid, said he is the general contractor who did work on the building and is owed a considerable amount of money. His attempts to contact Mr. Davis have gone unanswered, and he asked Mr. Rabenold to have Mr. Davis contact him. Mr. Rabenold said he was unable to answer the legal concerns expressed.
- Members of Council expressed their desire for an establishment on the property and for that establishment to have a liquor license.

**Motion made by Mr. Gehring, second by Mr. Hilberg, to table Res. No. 13-20: Authorizing Approval of a TREX Liquor License for Madeira Bar Group, LLC, Located at 7840 Camargo Road, Madeira, Ohio for more information to ensure the City is acting appropriately. Motion passed by unanimous roll call vote.**

2. 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—Third Reading
  - Mr. Moeller said there were no changes since the second reading, and there were no comments at the public hearing.

**Motion to approve 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 made by Mr. Moormann, second by Ms. Theis. 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. 08-20: Authorizing the City Manager to Enter into an Agreement with Brandstetter Carroll, Inc. for Consulting Engineering Services
  - Motion to approve Res. No. 08-20 made by Mr. Henning, second by Ms. Theis.
  - Mr. Moormann expressed his appreciation of a cap being placed on services.
  - When asked, Mr. Moeller said the process for bidding out the contract would require a formal RFP that would be sent out in the fall to the four or six firms that do this sort of work in the area.

**Motion to approve Res. No. 08-20: Authorizing the City Manager to Enter into an Agreement with Brandstetter Carroll, Inc. for Consulting Engineering Services 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. 11-20: Amending Resolution No. 24-19 and Adopting the 2020 Capital Plan Policy for the City of Madeira
- Motion to accept Res. No. 11-20 made by Mr. Henning, second by Mr. Mueller.
  - Mr. Moeller said he drafted the legislation as amending Res. No. 24-19 so it would be clear in the future that the 2019 capital plan has been replaced by the 2020 capital plan.
  - Mr. Mueller said the plan is meant to be a tool for anyone reading the budget. Council discussed educating residents about this shift in policy.

**Motion to approve Res. No. 11-20: Amending Resolution No. 24-19 and Adopting the 2020 Capital Plan Policy for the City of Madeira 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. 12-20: Authorizing the City Manager to Execute the 2020–2024 Operating Agreement and to Authorize Payment to the Madeira/Indian Hill Joint Fire District for FY2020
- Mr. Moeller said the agreement is essentially the same as the previous agreement, except that it updates the Fire/EMS Run data and includes the addition of paragraph ten, which outlines the distribution of funds if the Operating Reserve exceeds 15%.
  - Motion to approve Res. No. 12-20 made by Ms. Theis, second by Mr. Henning.
  - When asked, Mr. Gehring said the Fire District does not have a capital reserve for buildings; the Board plans to review the capital reserves over the next six to nine months.

**Motion to approve Res. No. 12-20: Authorizing the City Manager to Execute the 2020-2024 Operating Agreement and to Authorize Payment to the Madeira/Indian Hill Joint Fire District for FY2020 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

6. Res. No. 14-20: A Resolution Expressing Appreciation to Mr. and Mrs. Harold Thomas for Their Donation to the Madeira Police Department
  - Mr. Moeller said Mr. Thomas approached the City wanting to do something for the Indian Hill Rangers and the Madeira and Montgomery Police Departments. Each city received \$250,000; Mr. Thomas requested the money be used to purchase things that are extra, rather than be used on regular operating items.

**Motion to approve Res. No. 14-20: A Resolution Expressing Appreciation to Mr. and Mrs. Harold Thomas for Their Donation to the Madeira Police Department made by Mr. Hilberg, 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

#### XI. NEW BUSINESS

1. Commission and Board Appointments
  - Mayor Spencer said Council would return to this item following Executive Session.
2. City Manager Reemployment
  - Pursuant to Section 145.381 of the Ohio Revised Code, the City of Madeira, Ohio hereby provides notice that (i) City Manager Tom Moeller will be retiring from his employment with the City of Madeira, Ohio effective as of April 1, 2020, and (ii) Mr. Moeller, after retiring, is seeking to be rehired as City Manager for the City of Madeira, Ohio effective as of April 2, 2020. On Monday, March 9, 2020, City Council will hold a public meeting at 7:00 p.m. in Council Chambers to discuss the issue of Mr. Moeller's reemployment as City Manager. For those interested in attending the meeting, Council Chambers are located at 7141 Miami Avenue, Madeira, OH 45243.
3. Coyotes
  - Mr. Moormann asked what could be done to mitigate the risk of coyotes. Chief Schaefer said the Department has been using deer cameras to track coyote movements, but they learned their blind was too close to the bait. The Chief will work with local businesses to find areas large enough to bait them; he said he would also look into live traps. Mayor Spencer asked that the Department use their Facebook page to reassure residents they are aware of the issue and to provide safety tips.
4. ICRC Television
  - Mr. Moormann asked for consideration of the City televising Council meetings on ICRC TV in the interest of transparency. Mr. Moeller said it was very costly in the past, but he would look into the current policy. It was noted that joining the service makes public access television available to the City's residents.

5. Public Art Project by Madeira Elementary School
  - Mayor Spencer said the PTO's Got Art Committee is considering a public art project that would be installed somewhere in the City for a few months. Members of Council voiced no objections to the PTO continuing to pursue this project.

## XII. OLD BUSINESS

1. Status of Muchmore House Lease
  - Mr. Moeller said Council received a copy of the latest version of the lease, which included a section proposed by Ms. Parker's attorney regarding the assignment of the lease if the business assets were sold to another party. Because there were also changes to what Council initially approved, he recommended a resolution repealing the previous resolution and approving this lease.
  - Mr. Fox said it's a policy question of whether Council wants to control the assignment of the lease, and whether, if the lease were to be sold as one of the assets of the business, there's no requirement that this specific business be operated out of the property.
  - Ms. Parker attempted to explain why her lawyer recommended the language, and she said she would strike the language if the lease said transfer was "subject to prior written consent from the City and approval will not be unreasonably withheld." Mr. Fox said "and approval will not be unreasonably withheld" had been in the previous lease but was not in this lease. Members of Council said the phrase is legally fraught because it's ambiguous; Ms. Parker said it gives her assurance that future Councils will act reasonably.
  - Council agreed to strike the sentence added by Ms. Parker's lawyer.
  - Mayor Spencer said the final lease is in Ms. Parker's court. Ms. Parker said she needed to see the final lease; Mr. Moeller said he would provide a copy to her.

**Mayor Spencer made a motion to amend Res. No. 43-19 substituting the lease agreement as provided by the document supplied to Council tonight but redacting the last sentence of Section 14, which was proposed by the lessee's attorney; second by Mr. Hilberg. Motion passed by unanimous roll call vote.**

2. Tree City USA
  - Mr. Gehring said he met with the State Forester Department and would provide a report at the next meeting.

## 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 Ms. Theis, second by Mr. Moormann. Motion passed by unanimous roll call vote at 10:59 p.m.**



XIV. PERSONNEL

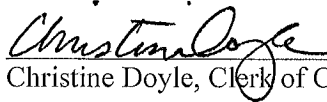
**Motion made by Mr. Hilberg, second by Mr. Gehring, to adjourn Executive Session and return to regular session at 11:15 p.m. Motion passed by unanimous roll call vote.**

**Motion to appoint J. Chad Shaffer to Planning Commission made by Mr. Moormann, second by Mr. Hilberg. Motion passed by unanimous roll call vote.**

**Motion to appoint Lindsey Grome, Shane York, and Alexandra Simons to a term on the Parks and Recreation Board for a two-year term made by Mayor Spencer, second by Mr. Mueller.**

XV. ADJOURNMENT

**Motion made by Mayor Spencer, second by Ms. Theis, to adjourn the regular meeting at 11:18 p.m. Motion passed by unanimous roll call vote.**



Christine Doyle, Clerk of Council