

MADEIRA CITY COUNCIL  
REGULAR MEETING MINUTES  
FEBRUARY 24, 2020

I. CALL TO ORDER

The meeting was called to order by Mayor Spencer at 7:30 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 the spool of cable on Miami to New Business.
- Mr. Mueller asked to add Phase 1 and Phase 2 Sidewalks to New Business.

2. Changes to the City Council Regular Meeting minutes from February 10, 2020:

- None

**Motion to accept the amended agenda and the February 10, 2020 minutes 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 said that residents have been moving into Traditions at Camargo, and she and some of the City officials met with them recently to answer their questions about the City. She commended Ms. Theis for her leadership in seeing a need for a space for seniors in the community and for working with Traditions on the new Senior Center at Traditions. When she saw a need for scheduling coordination, she stepped in to fill that roll, too.
- The Mayor said she's enjoyed seeing more people out using the ball fields, pickleball courts and other park facilities now that the weather is thinking about getting warmer.

3. Special Recognition

- None

VI. NOTICES OF OTHER MEETINGS AND EVENTS

- Board of Zoning Appeals March 2, 2020, 7:00 p.m.
- Traditions at Camargo Grand Opening March 4, 2020, 11:30 a.m. to 1:00 p.m.
- Special Planning Commission March 9, 2020, 6:00 p.m.
- Council Meeting March 9, 2020, 7:30 p.m.

VII. COMMITTEE AND OFFICIAL REPORTS

1. Parks and Recreation Board meeting on February 12, 2020

- Mr. Mueller reported the Good Natured Team from Madeira High School and Dean Niemeyer from Taking Root participated in the Parks Board discussion of the Tree City USA initiative. The Parks Board is willing to host an Arbor Day event, and they are looking into whether Mad Tree Brewery would match the \$1900 raised by Good Natured to plant trees. The question was posed as to whether the Parks Board could be the Tree Board or if that needs to be a separate entity; Mr. Gehring said he would get clarification.
- The Board is planning for annual events, including the Easter Egg Scramble. For the Street Dance, they are trying to contract with My Sister Sarah for the music. The Independence Day team met with Staff to start the planning. The Board has asked the City for more credit card scanners for that event. They also decided to donate two parking spots and the opportunity to set off the fireworks to the School Foundation Auction.
- The Board is working on a comprehensive sponsorship plan for events. The Fall Festival will be the test case, with Trader Joe's as the sponsor.

2. Public Works Committee meeting on February 18, 2020

- Mr. Gehring reported the Committee discussed the Municipal plaza project and reviewed the proposals from 2018. Three companies will be interviewed over the next few weeks.
- ODOT has contracted with an engineering firm for the Miami/East Galbraith roundabout, and the Committee plans to be in contact with them to make sure the City's concerns are being considered.
- The City has been in communication with Duke Energy regarding the new streetlights on Camargo Road. The light bulbs are LED and on the blue end of the spectrum. Duke will be changing out one of the bulbs with a bulb that is still bright but less blue to see if that is an improvement.
- The City has been in communication with Cincinnati Bell to remove the poles from the sidewalks on Camargo and place them at the back of the sidewalk; no schedule has been set.
- The City is trying to work with the utility companies to get the old utility poles removed where new ones have been added; there are about 83 of these double poles around the City. The City would also like the companies to remove the excess wire hanging from the poles.
- The Committee discussed the Euclid Road SCIP grant and plans to review the intersection at Euclid and Camargo to see if improvements are possible.

3. Senior Commission meeting on February 18, 2020

- Mr. Hilberg reported the bulk of the meeting was spent planning for the Open House at Traditions at Camargo on March 4. An invitation has been sent to registered voters aged 55 and over.

- The Commission is pursuing becoming a 501(c)(3) nonprofit to accept donations directly without going through the City. Commission Chair David Walsh is donating the attorney fees for this endeavor.
  - Upcoming events will include presentations on fall protection, fraud protection, and end of life.
4. Planning Commission meeting on February 18, 2020
- Mr. Moormann reported there were no applications on the agenda. The Commission discussed the proposals from consultants to revise and update the zoning code. Two firms responded, and interviews have been scheduled for March 9 at 6:00 p.m. The Commission has engaged the Budget and Finance Committee to ensure there would be support for the \$60,000 to \$70,000 required for a consultant.
  - Chad Schaffer was seated on Planning Commission. In January, Bobby Hintz was elected Chair, and Carly Chu was elected Vice Chair.
5. Budget and Finance Committee meeting on February 24, 2020
- Mr. Mueller reported the Committee reviewed the monthly financials. They discussed the Euclid SCIP grant and determined the matching funds would be available later in the year. They also requested the Public Works Committee begin planning for the Camargo northeast repaving project, so the City could apply for funds.
  - IHWW continues to work through their committees for the takeover of the waterlines currently owned by the City. The goal is to have the transfer complete this summer.
  - The Committee discussed earmarking funds from the tax credit change to infrastructure as requested by Council. The Committee agreed to recommend to legislatively restrict the added revenue for capital maintenance and infrastructure.
  - The Committee discussed the merits of adding a sunset provision to the tax credit ordinance. They agreed to not recommend to legislatively enact a sunset date; they did recommend that the annual budget and capital plan memo include a measure of revenues; it would also include some guidelines for when to look at lowering or raising the tax credit.
    - Mr. Gehring added the infrastructure projects the City is addressing aren't all backlog but a shift from the 27-year paving cycle to the 20-year cycle.
    - Mayor Spencer said she favored this more flexible approach to the tax credit as it allows future Councils to adjust it based on revenue flows rather than an arbitrary date.
    - Mr. Moormann said he continues to prefer the sunset clause so future Councils don't accumulate and spend capital funds just because it's there.
  - The Committee also reviewed Planning Commission's request for funds for a consultant to revise the zoning code. The Committee delayed a recommendation at this time and asked Planning Commission for a more detailed request and timeline.
6. Police Report
- Chief Schaefer reported Officer Freeman attended Basic Fingerprint Classification training. This training will allow the Department to speed up their investigations because other agencies wouldn't be needed to analyze initial prints.
  - Lt. Phillips and Det. Byram attended SPI Homicide Investigation training in Louisville. The class was attended by investigators from 16 states.
  - Regarding the hiring of new officers, 22 applicants signed up to take the physical fitness exam, and they have been through the Civil Service interview. Points have been added

for experience and schooling, and extensive background investigations will be done on the top ten candidates.

- Five current officers took the promotional exam on January 29. The Civil Service interviews will be held on February 27, the candidates will be ranked, and then further interviews will be conducted.
- The Department euthanized one coyote on the Kenwood Country Club property. The Chief reported Indian Hill removed over 50 coyotes last year; one-third to one-half were from areas that border Madeira.

## VIII. COMMUNITY PARTICIPATION

### 1. Guests and Registered Visitors

- Doug Oppenheimer, 7431 Mar Del, asked if there were requirements for money received from Issue 7. Mr. Moormann responded Issue 7 is expected to generate \$30 million that would be available to Hamilton County's local integrating committee for competitive grants. To be considered for the grants, the road needs to be on the route of a Metro bus or close to that route. Mr. Oppenheimer asked what the budget was for Planning Commission. Mr. Moeller said the budget was \$30,000. Mr. Oppenheimer also asked what was the required competency to be on Planning Commission and said past Planning Commissions would have been able to rewrite the code without extensive help from a consultant. Mr. Moormann said it was unfair to make allegations of incompetence; the Planning Commission members are volunteers with expertise in a variety of areas. He said they are trying to make a plan to make reasonable and major adjustments in the zoning code, and it's not unreasonable to ask for outside assistance to do the best job possible. Mr. Mueller expressed his appreciation of the volunteers who give their time to the Community, and Mayor Spencer expressed her confidence in the Administration and Personnel Committee to find qualified, trustworthy, and dedicated volunteers.
- Michael Paulin, 7242 Jethve, said the residents voted against a tax increase 18 months ago; he sees the tax credit change as overriding the residents' vote. Mayor Spencer said Issue 16 was broader in scope; it focused on a 15- to 17-year paving cycle and a reserve for capital expenditures. The tax credit adjustment would allow the City to go to a 20-year paving cycle and address the most pressing capital needs. She said it is Council's roll to balance the wishes of the community with Council's responsibility to maintain the community.

### 2. Correspondence

- An email was received from Ruth Boyatt regarding Madeira park improvements.

## IX. ORDINANCES AND RESOLUTIONS

1. Ord. No. 20-02: Amending Section 97.08 Credit for Tax Paid to another Municipality or Joint Economic Development District—Second Reading

**Motion to direct Mr. Fox and Mr. Moeller to include additional language in the ordinance to allocate the 0.3% tax credit adjustment revenue to the CI&R fund made by Mr. Moormann, second by Mr. Hilberg. Motion passed by unanimous roll call vote.**

2. Ord. No. 20-03: To Levy a Permissive Motor Vehicle License Tax Pursuant to Ohio Revised Code Section 4504.173—Second reading
  - Mr. Moeller said there were no changes to the language since the first reading.

- Mr. Moormann reiterated that the tax allows the City to be competitive for SCIP dollars. While the City will receive an additional \$20,000 per year from the increase, the larger value comes from the increased potential for competitive funds.
- Mr. Fox advised that the last sentence in the ordinance should refer to the Ohio Revised Code rather than the Charter.

**Motion to change the last line in the ordinance to read “The Ordinance is subject to referendum pursuant to Revised Code Section 4504.173” made by Ms. Theis, second by Mr. Henning. Motion passed by unanimous roll call vote.**

3. Ord. No. 20-04: Adopting Amended Articles I, III, and V Rules and Regulations for the Hamilton County Storm Water District—Second Reading
  - Mr. Moeller said there were no changes made to the legislation since the last reading.
4. Res. No. 18-20: Authorizing the City Manager to Execute an Agreement with the Ohio Patrolmen’s Benevolent Association (OPBA) for Wages and Benefits Effective January 1, 2020 and Ending December 31, 2022
  - Mr. Moeller said the negotiating teams have tentatively agreed to the contract. The negotiation did go to mediation, and the City was pleased the union agreed to changes in language regarding health insurance that would allow the City more flexibility when looking for new plans. Another change is the officer in charge (the senior officer on duty when no supervisor is on duty) would be paid at a higher rate of pay. Chief Schaefer said this occurs on a 12-hour shift about 50 days a year.

**Motion to approve Res. No. 18-20: Authorizing the City Manager to Execute an Agreement with the Ohio Patrolmen’s Benevolent Association (OPBA) for Wages and Benefits Effective January 1, 2020 and Ending December 31, 2022 made by Mr. Hilberg, 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

## X. NEW BUSINESS

1. Euclid Avenue Project
  - City Engineers Bruce and Tim Brandstetter addressed Council regarding the Euclid Road project. In addition to paving the road, the project will include replacement of deteriorated storm sewers. The project will include installing sidewalks from Maple to Hosbrook; Council discussed the steep yards from Maple to Fowler that would need to be addressed. Bruce Brandstetter said the sidewalk would snake a bit to go over the easiest areas and keep the costs down.
  - Tim Brandstetter said the grant does not include improvements at Euclid and Camargo and Euclid and Hosbrook but now would be the time to discuss whether improvements should be considered. Council discussed the speed and pedestrian issues at Euclid and Camargo. Mr. Brandstetter said they could take an initial screening to see if it would

qualify for ODOT safety funds; Chief Schaefer said he would conduct a speed study in that area.

2. Miami Avenue Cable Spool

- Mr. Moormann said the large spool of cable has been sitting across from the middle school since November. In January it was determined it belonged to Verizon. Mr. Moeller said he contacted Verizon and asked them to move the spool or the City would move it for them; the spool will be removed this week. Chief Schaefer confirmed the spool was secure and wouldn't roll.
- Council discussed how to get the utilities to clean up after themselves. Mr. Fox said there is case law on cities retaining rights when utilities use their right-of-way; he would research how the City could exercise those rights.

3. Phase 1 and Phase 2 Sidewalks

- Mr. Mueller asked Council to consider asking the Public Works Committee to review costs for upgrading curbs and sidewalks to streets during Phase 1 and Phase 2 of waterline replacement and street program. He cited his reasons for making this request as:
  - a. He said the primary role of a city is the provision and maintenance of police, fire and infrastructure, which includes curbs and sidewalks.
  - b. Residents strongly desire sidewalks. He solicited thoughts on sidewalks on social media and presented the responses to Council. In the past, sidewalks have been added at the time of street construction.
  - c. The tax credit adjustment would provide funds for infrastructure and the sidewalks would be part of those improvements.
  - d. The City can afford it if it delays moving to a 20-year paving cycle for residential streets. The most cost effective time to add sidewalks is when the street is repaved, so the opportunity comes along only once every 20–30 years.
  - e. Sidewalks are a common shared community expense that benefits more than just the residents of those streets. Currently the City spends money to maintain curbs and storm water on streets that have them and nothing on streets that don't; therefore, it's fair to install sidewalks as a next-step improvement to a section of the City.
- Mr. Mueller suggested that Public Works could propose a Plan B if the upgrade of all the proposed streets was excessively high. He clarified he's proposing the sidewalks on just one side of each street; whichever side would be least costly.
- Mr. Henning offered his support of the idea, as it would allow people in that area to walk to the elementary school and downtown without walking in the street.
- Mr. Moormann said it feels like it's in the spirit of the Comprehensive Plan. However, he said the homes were purchased by owners knowing there weren't sidewalks on these streets, and he suggested looking into sharing the cost with homeowners. Ms. Theis suggested looking into sources of funding.
- Mayor Spencer said she was surprised to see on social media the encouragement of additional expenses on a project the City has already begun to assess and consider. She was also surprised to hear the City has the money when there are projects for which it was decided the City doesn't have the money to fund. She said she is concerned that this statement sends a mixed message to the community at a time when Council is considering the adjustment to the tax credit. She said this proposal would suggest that every street in the City would get a sidewalk, and she questioned the cost of a community-wide sidewalk program. If not every street, she asked how the City would assess which streets do get sidewalks. She also questioned the timing of the request,

noting that considerable time had been spent mapping out a reasonable strategy for capital spending. While she doesn't mind Public Works assessing the costs, she said she is not supportive, at this point, of saying the City has room in its budget to, in the near term, add sidewalks on a big set of streets.

- Mr. Gehring said the Public Works Committee was planning to review the sidewalk master plan anyway, so they would meet to discuss this concept. However he agreed with Mayor Spencer that the City has already set a capital expense plan.
- Mr. Hilberg agreed with Mayor Spencer and suggested the sidewalks could be added after the streets are done.
- Mr. Mueller said he acknowledged that this topic was a surprise as it as never been discussed by Council, and he apologized for any offense. He thought it always appropriate to reevaluate the path the City is on; considering the scope of the project on these streets, it seemed an optimal time to consider a slight deviation from the plan. He said he shared Mayor Spencer's concern that not every street needs sidewalks but suggested that Council allow themselves the freedom to make step-by-step, iterative improvements across town.

XI. OLD BUSINESS

1. None

XII. EXECUTIVE SESSION

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

**Motion to adjourn into Executive Session for the purpose of discussing pending litigation and to consider the purchase or sale of real estate for public purposes made by Ms. Theis, second by Mr. Hilberg. Motion passed by unanimous roll call vote at 9:38 p.m.**

XIII. ADJOURNMENT

**Motion made by Ms. Theis, second by Mr. Moormann, to adjourn Executive Session and return to regular session at 10:00 p.m. Motion passed by unanimous roll call vote.**

**Motion made by Ms. Theis, second by Mr. Hilberg, to adjourn the regular meeting at 10:00 p.m. Motion passed by unanimous roll call vote.**

  
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Christine Doyle, Clerk of Council