

MADEIRA CITY COUNCIL  
REGULAR MEETING MINUTES  
MARCH 9, 2020

I. CALL TO ORDER

The meeting was called to order by Mayor Spencer at 7:34 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:

- None

2. Changes to the City Council Regular Meeting minutes from February 24, 2020:

- None

**Motion to accept the agenda and the February 24, 2020 minutes made by Ms. Theis, 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 over 100 people and several Council members attended the Grand Opening of the Senior Center at Traditions at Camargo. She said she enjoyed reading the idea boards with suggestions for events and looks forward to seeing what the Center offers in the future for the City's Seniors.
- The spring Changing Hands sale was held on March 7. The consignment sale raises money for Elementary School programming and events sponsored by the PTO, and it brings people from all over the area to Madeira.
- The Comprehensive Plan received the 2020 Frank Ferris Award for Excellence in Planning from the Hamilton County Planning Partnership.

3. Special Recognition

- None

VI. NOTICES OF OTHER MEETINGS AND EVENTS

- |                                  |                           |
|----------------------------------|---------------------------|
| • Mayor's Court                  | March 11, 2020, 6:30 p.m. |
| • Parks and Recreation Board     | March 11, 2020, 7:00 p.m. |
| • Economic Development Committee | March 12, 2020, 1:00 p.m. |
| • Senior Commission              | March 16, 2020, 6:00 p.m. |
| • Planning Commission            | March 16, 2020, 7:00 p.m. |
| • Council Meeting                | March 23, 2020, 7:30 p.m. |

VII. COMMITTEE AND OFFICIAL REPORTS

1. Board of Zoning Appeals meeting on March 2, 2020
  - Mr. Moeller reported there was request for a fence variance for the home at the corner of Miami and Locust. The request was approved on the condition the fence be placed 3 feet from the back of the sidewalk.
2. Madeira Senior Commission Open House on March 4, 2020
  - Mr. Hilberg reported 115 people attended the event. He thanked Traditions for catering the event, the Chamber of Commerce and the 18 local companies that donated prizes, and Mayor Spencer, Congressman's Brad Wenstrup office and Secretary of State Frank LaRose for proclamations.
  - He noted that some attendees had requested that more handicapped parking be added to the Senior Center end of the Traditions building. Ms. Theis said she is working with Traditions on permanent signage for the Senior Center as well.

VIII. COMMUNITY PARTICIPATION

1. Guests and Registered Visitors
  - None
2. Correspondence
  - None.

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--Third Reading
  - Mr. Moeller noted paragraph six under Section 1 had been added. However, Mr. Fox, after reviewing the Ohio Revised Code, suggested a further change to the text, stating the money from the increase would be allocated to the General Fund and then transferred to CI&R (Capital Improvement and Replacement Fund). Council discussed and decided against putting a time frame on when the funds would be transferred.
  - Mr. Gehring suggested the funds not be moved to CI&R but to the SR21 Street fund as the funds are meant to improve the streets; he said this would clarify to the community that the tax credit adjustment is for roads.
  - Motion made by Mr. Gehring, second by Mr. Hilberg, to amend paragraph six of Ord. No. 20-02 to read, "The annual amount of revenue generated by .3 percent of the reduced tax credit shall, after allocation to the General fund, be transferred to the SR21 Street Fund to be used only for capital improvement and maintenance projects as identified in the SR21 fund budget."

- When asked, Mr. Gehring said the allocation would be more than budgeted for street improvement and that's okay because that's where the money needs to go. Regarding the established capital improvement schedule, he said the Budget and Finance Committee could transfer money from the General Fund for that.
- Mr. Moormann agreed with putting governors around the money specifically for road improvement and road repairs.
- Mr. Mueller said he didn't see the practical difference for the suggestion and said he'd oppose the change because it takes money from the CI&R schedule and brings the life of the road below 20 years, which was not agreed to the target. He said capital projects that would be affected by this change could be the Council audio/visual upgrade in 2020, the parking lot at McDonald Commons in 2021, and others going forward.
- Mayor Spencer said the estimated amount to come from the tax credit adjustment would be very close to the estimated annual spend for roads going forward. She said it would create an offset with the funding that would then become more available to CI&R. She said she was comfortable with the time horizon through 2026 and with adding guardrails to where the 0.3% goes.
- Mr. Hilberg said if they are asking residents for their money, Council has a responsibility to spend it appropriately and put it into the streets.
- When asked, Mr. Moeller said the City could use SR21 funds for infrastructure improvements, including to the storm water system; street maintenance, including the purchase of salt; street sweeping; and more.

**Motion to amend Ord. No. 20-02 so Section 1, paragraph six reads, "The annual amount of revenue generated by .3 percent of the reduced tax credit shall, after allocation to the General fund, be transferred to the SR21 Street Fund to be used only for capital improvement and maintenance projects as identified in the SR21 fund budget." passed by 6-1 roll call vote.**

Mayor Nancy Spencer	yes
Scott Gehring	yes
Tom Henning	yes
Chris Hilberg	yes
Doug Moormann	yes
Brian Mueller	no
Traci Theis	yes

- Motion to approve Ord. No. 20-02 made by Ms. Theis, second by Mr. Gehring.
- Mr. Moormann again suggested that a sunset clause be included to state that in five years Council must take affirmative action for the tax credit to remain. Mr. Hilberg said this would allow Councils to reassess the paving schedule and the cost of paving, and it would give residents comfort in knowing the credit adjustment could be temporary.
- Mr. Gehring said he doesn't want to paint a picture that this is a temporary need. The City doesn't need to get caught up on some streets; it needs to spend more every year to maintain the roads on a reasonable repaving schedule. Including the clause would almost be disingenuous because the costs won't go away unless there is additional revenue. He would favor an annual review since that would be a more regular and less arbitrary approach.
- Mr. Mueller said previous Councils did not include a sunset clause when they changed the credit, and he said they got it right. The expenses will persist indefinitely as shown in the five-year budget and on the State Auditor's financial indicator scorecard for the City.

- Motion made by Mr. Moormann, second by Mr. Hilberg, to attach a five-year expiration, or sunset, clause to Ord. No. 20-02.
- Mr. Moormann said the amount of money being asked of the taxpayers is significant. He said it should not just be assessed every year but actually required that it be looked at through a challenging lens of whether to proceed with the rate or not. If the adjustment raises more money than anticipated, the clause will prevent future Councils from spending it just because it's there.
- Mr. Gehring said he would support a resolution that called for an annual review, with metrics, to determine whether the money is still needed for street paving. Council discussed whether this ordinance should be tabled for the policy; Mr. Gehring said that policy would be separate.
- When asked, Mr. Moeller said the tax credit was changed to 0.6% in the past in anticipation of the State changing the estate tax laws. The impact of the estate tax changes appeared to be less than feared, so Council increased the rate to 0.7% the next year and to 0.9% the following year.
- Mayor Spencer said future Councils would swear to keep community's best interest in mind, and she would expect them to monitor revenue and expenses. The commitment to the 20-year road cycle would require more spending than the City does today and including the clause could create confusion in the community.

**Motion made to attach a five-year expiration, or sunset, clause to Ord. No. 20-02 failed by 1-6 roll call vote.**

Mayor Nancy Spencer	no
Scott Gehring	no
Tom Henning	no
Chris Hilberg	no
Doug Moormann	yes
Brian Mueller	no
Traci Theis	no

- Mr. Mueller said the passage of the ordinance would mean that for the first time in many years the City would have a balanced budget that includes the appropriate amount of funding to maintain streets.

**Motion to approve Ord. No. 20-02: Amending Section 97.08 Credit for Tax Paid to another Municipality or Joint Economic Development District passed by 5-2 roll call vote.**

Mayor Nancy Spencer	yes
Scott Gehring	yes
Tom Henning	yes
Chris Hilberg	no
Doug Moormann	no
Brian Mueller	yes
Traci Theis	yes

2. Ord. No. 20-03: To Levy a Permissive Motor Vehicle License Tax Pursuant to Ohio Revised Code Section 4504.173—Third reading
  - Mr. Moeller noted the legislation had been changed at the second reading.

**Motion to approve Ord. No. 20-03: To Levy a Permissive Motor Vehicle License Tax Pursuant to Ohio Revised Code Section 4504.173 made by Ms. Theis, second by Mr. Henning. 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
Traci Theis	yes

3. Ord. No. 20-04: Adopting Amended Articles I, III, and V Rules and Regulations for the Hamilton County Storm Water District—Third Reading
  - Mr. Moeller reported there were no changes since the second reading. The ordinance is necessary to be a part of the Hamilton County Storm Water District and to work within the County and State codes.

**Motion to approve Ord. No. 20-04: Adopting Amended Articles I, III, and V Rules and Regulations for the Hamilton County Storm Water District made by Ms. Theis, second by Mr. Mueller. 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
Traci Theis	yes

X. NEW BUSINESS

1. Portable Toilet on Pineneedle
  - Ms. Theis said there was a portable toilet on a trailer parked on Pineneedle and asked if there was anything in the code to prevent that. Mr. Moeller said a contractor is working for MSD on the sewer lines in Sycamore Township, and they are staging their equipment on Pineneedle. He said he would engage with Hamilton County about moving the portable toilet.
2. Shredding Event
  - Mr. Hilberg asked the Administration to start planning for another Shred Day; Mr. Moeller said they've already begun discussions with the vendor who provided the shredding last time.

XI. OLD BUSINESS

- None

XII. EXECUTIVE SESSION

Mayor Spencer said Council did not need to adjourn to Executive Session to discuss pending litigation.

XIII. ADJOURNMENT

**Motion made by Mr. Gehring, second by Mr. Henning, to adjourn the regular meeting at 8:42 p.m. Motion passed by unanimous roll call vote.**

  
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Christine Doyle, Clerk of Council