

MADEIRA CITY COUNCIL
REGULAR MEETING MINUTES
MAY 26, 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
Lori Thompson, Assistant 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. Mueller asked to add a Budget and Finance Committee meeting to Committee and Official Reports.
- Mr. Moormann asked to add the train depot lease to New Business.

2. Changes to the City Council Regular Meeting minutes from May 11, 2020:

- None

3. Res. No. 30-20: Amending the Annual Appropriation Resolution No. 46-19 Providing for Funds for Current Expenditures for the Year Ending December 31, 2020 and Amending the Certificate of Estimated Resources

Motion to accept the amended agenda; the May 11, 2020 Meeting minutes; Res. No. 30-20: Amending the Annual Appropriation Resolution No. 46-19 Providing for Funds for Current Expenditures for the Year Ending December 31, 2020 and Amending the Certificate of Estimated Resources made by Ms. Theis, second by Mr. Hilberg. Motion passed by unanimous roll call vote.

V. MAYOR'S MOMENT

1. Public Comment Reminder

2. In the Community

- Mayor Spencer said that while the traditional annual Memorial Day tribute was not possible this year, she thanked the Parks and Recreation Board for their video tribute and commemorative signs. A wreath was also placed at the Veterans' Memorial at McDonald Commons. She thanked Madeira resident and retired Army Captain Jason Cowden for sharing his perspective on Memorial Day and facing our fears during the current health crisis. She said she valued the commitment of the many organizations that could not participate this

year. She said that while she misses celebrating community events in the ways we have always known them, she admires the will of all who find new ways to honor and respect traditions that bind us together in community with each other.

3. Special Recognition
 - None

VI. NOTICES OF OTHER MEETINGS AND EVENTS

- Board of Zoning Appeals June 1, 2020 at 7:00 p.m.
- Mayor's Court June 3, 2020 at 6:30 p.m.
- Council Meeting June 8, 2020 at 7:30 p.m.

VII. COMMITTEE AND OFFICIAL REPORTS

1. Parks and Recreation Board meeting on May 13, 2020
 - Mr. Mueller reported the Board discussed adding lights to any new playground equipment at Sellman Park and agreed to add it to the list of possible improvements to consider.
 - The Board voted to recommend to Council to reschedule or cancel the Independence Day festivities for several reasons, including that neighboring towns have already cancelled their events, which could mean overwhelming attendance at the Madeira's events. The Board hopes a similar parade and fireworks could be incorporated into the October 3 Bonfire on the Ballfield event.
 - The Madeira Mile, held before the Independence Day parade, is a fundraiser for Madeira High School Cross Country events. The Board has informally offered to host the race the day of the Bonfire; either the Criterium Race group or the Parks Board would manage it, as the Cross Country Team will be out of town at an event.

**Motion to affirm the Parks and Recreation Board decision to reschedule or cancel the Independence Day festivities made by Mr. Hilberg, second by Mr. Mueller.
Motion passed by unanimous roll call vote.**

2. Public Works Committee meeting on May 18, 2020
 - Mr. Gehring reported the Committee reviewed the paving schedule and recommended to pave Kenview in 2021 to take advantage of the \$30,000 from GCWW. This would delay paving of Madeira Hills Drive until 2022; the Service Department would make some substantial patches Madeira Hills in the meantime for a cost of approximately \$2000. The recommendation would eliminate the need for Kenview residents to be inconvenienced by major roadwork two times in four years.
 - The Committee discussed options presented by the City Engineers for making the Euclid and Camargo interchange safer for both pedestrians and vehicles. Revisions to the options will be made based on the discussion.
 - The sidewalk master plan and uniformly painting stop light and utility poles will be discussed at next the meeting.
3. Planning Commission meeting on May 18, 2020
 - Mr. Moormann reported there was an application for a lot split at the corner of Kenwood and Dawson on the agenda. The applicant addressed the concerns of the BZA and those expressed by residents, and the application for six building lots was approved.

- The consultants for the Miami Avenue traffic study, 143Engineers, presented the preliminary report to both Planning Commission and City Council. Both bodies presented feedback that will be incorporated into a more final version of the report that will be presented to the public for input.
 - Mr. Fox provided an overview and schedule for the work Graydon will be doing on the zoning code. The work will include reorganizing the zoning code, making it more user friendly, eliminating inconsistencies and redundancies, and reducing it to about half its current length. The aggressive schedule would deliver the revised code by the end of the year.
 - The code will be worked on in five buckets grouped as follows: core regulations; distinct districts; property maintenance; administrative and zoning process; and remaining miscellaneous topics.
 - There will be opportunities for public feedback at both Planning Commission meetings and at City Council's three readings of the ordinances.
 - A subcommittee of Carly Chu, Barry Feist, and Melisa Adrien was formed to help guide the project.
 - Mr. Fox also presented the Commission with policies and procedures for Planning Commission to review.
4. Economic Development Committee meeting on May 19, 2020
- Mr. Moormann reported the Committee discussed ways to promote the key vacant spaces in Madeira, including the train depot. They plan to work with the Chamber of Commerce and use their communication outlets as well as the City's to get the word out about the properties.
 - The Committee recommended that a "for lease" sign be put up at the train depot to actively solicit formal proposals from potential end users. The leasing would run through the City rather than a real estate firm.
 - The Committee discussed creating new TIF district that could include Swingline Grill, the train depot, and the former PNC Bank. They will consult with the Hamilton County Development Company to refine ideas and see if a TIF would make sense.
5. Police Report
- Chief Schaefer reported new Officers Grant and Spears have completed their Field Training.
 - Work done by the Department led to arrests in the Sunoco breaking and entering and in the theft of a backpack leaf blower. Upon arrest of the perpetrators in those cases, other police departments were able to solve open cases in their jurisdictions.
 - The Department has participated in over 34 birthday parades for residents that range in age from 2 to 65.
 - The April stats showed traffic stops down, but the Department will start traffic patrols again after receiving speeding complaints from residents.
 - Regarding solicitors, Chief Schaefer said the officers know what companies have permits, and they have the contact numbers of the permit applicant. Going forward, the Department will be looking at solicitation packets from other cities to see how Madeira's can be fine-tuned. Council discussed posting on the Police Facebook page or City website what companies have solicitation permits; posting the rules solicitors must follow, so residents are aware of them; and sending out redesigned "no solicitation" stickers in a future newsletter.

6. Budget and Finance Committee meeting on May 26, 2020

- Mr. Mueller said the Committee is “hoping for the best but watching for the worst” regarding the financials. More should become clear in the third quarter as residents file their earnings tax returns and calculate estimated payments for 2020.
- The Committee was asked for their recommendation on cuts to public safety, and their opinion is across-the-board cuts are not something they would prioritize at this time, citing the importance of police and fire services and of retaining those employees.
- The Committee discussed possible places to cut before cutting public safety, including having Council enact a one-year moratorium on dedicating earnings tax to the street fund to bolster the general fund and eliminating some capital expenditures.

VIII. COMMUNITY PARTICIPATION

1. Guests and Registered Visitors

- None

2. Correspondence

- Sharon Maiman and Pamela Leonhardt sent emails requesting removing milkweed from the Noxious Weed Code.

IX. ORDINANCES AND RESOLUTIONS

1. Res. No. 26-20: Authorizing the City Manager to Execute an Agreement with GCWW for Pavement Restoration for Kenview Drive

- In discussion, Mr. Moormann said it was a healthy process for Council to discuss the issue and then send it back to Committee for further review.
- Mr. Mueller said, after weighing both sides, he has settled on the twenty-year target being an average, which means some roads will have a shorter cycle and some will have a longer cycle. While he wants to vote no, he agrees that the City should avoid running the road fund down to nothing at the end of year 2022.

Motion to approve Res. No. 26-20: Authorizing the City Manager to Execute an Agreement with GCWW for Pavement Restoration for Kenview Drive made by Mr. Gehring, 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
Traci Theis	yes

2. Res. No. 29-20: Authorizing the City Manager to Execute an Agreement with American Tower for the Renewal of the Lease Agreement for the Cell Tower located at 7451 Dawson Road

- Mr. Fox said the current cycle runs to 2028; the agreement would extend that to six more 5-year cycles. In exchange for that extension, the City would receive a one-time payment of \$100,000, in addition to all existing fees. Significant changes were made to the proposal from American Tower to conform to the City’s needs.

- Mr. Mueller agreed that staying with the yearly payment was a better option than the lump sum payment that was offered. The payments are an important part of a diversified revenue stream for the City.
- In discussion, Mr. Moeller said the City owns the land, but American Tower is responsible for the tower and its maintenance. Should the tower become obsolete, American Tower would be responsible for removing it.

Motion to approve Res. No. 29-20: Authorizing the City Manager to Execute an Agreement with American Tower for the Renewal of the Lease Agreement for the Cell Tower located at 7451 Dawson Road so long as the second amendment of said lease agreement substantially stays in the form presented in the packet and condition upon final approval of the City Manager 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
Traci Theis	yes

3. Res. No. 31-20: Authorizing the City Manager to Execute a Contract with Smith Corp. for the Construction and Installation of Water Mains Phase 1 and the 2020 Street Resurfacing Program
- Mr. Moeller stated there were eight bidders for the work. Smith Corp. had the winning bid; they have identified John. R. Jurgensen and R.A. Miller as subcontractors. All three companies have done work for the City in the past.
 - Mr. Mueller asked if the project could include a more visible crosswalk at Greenbriar and Miami. Mr. Moeller said that would be minor cost that could be added.
 - Mr. Gehring said he is excited to start this phase of a large two-year project in an area of the City that sees frequent water main breaks.

Motion to approve Res. No. 31-20: Authorizing the City Manager to Execute a Contract with Smith Corp. for the Construction and Installation of Water Mains Phase 1 and the 2020 Street Resurfacing Program made by Mr. Gehring, 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. Amending Madeira Code to Delete Milkweed from Definition of Noxious Weeds
- Mr. Moeller reported this issue came to light with the recent changes to the code regarding high grass. The addition of milkweed to the noxious weeds list was made in the 1970s. If Council agrees, Mr. Moeller would bring legislation to make the change.

- Mr. Moormann asked if there was a way to make a distinction between intentional and unintentional plantings, as making this change could open the door to issues regarding other weeds on the list, such as dandelions. Mr. Fox said enforcing intention would be difficult; Mayor Spencer added that if the change brought unintended consequences the code could be changed again.
- Given the importance of milkweed to monarch butterflies, Mr. Gehring said he would support intentional plantings of milkweed if residents wanted to create a plan for it.

Motion to direct the Administration to move forward with bringing legislation regarding milkweed back to Council made by Mr. Henning, second by Mr. Hilberg. Motion passed by unanimous roll call vote.

2. Summer Council Meeting Schedule

- Council discussed whether to continue holding Zoom meetings and agreed to continue them through June. Going forward, Mr. Mueller expressed the desire to make in-person meetings the status quo while providing the option for remote participation. Council discussed ways to combine in-person and Zoom meetings. Mayor Spencer said she values that Zoom meetings are accessible and hopes the City is awarded a grant to upgrade AV equipment in Council chambers.
- Council discussed the July 13 meeting and opted to hold that meeting.

3. Train Depot Lease

- Mr. Moormann reiterated the recommendation to post a “for lease” sign at the train depot. Council discussed the best way to process the proposals from interested parties and in what time frame.
- Mr. Mueller said he continues to favor the original restaurant proposal and is against the possibility of leasing to a retail or service business that may compete with current businesses.

Motion to hang a “for lease” sign at the train depot with open-ended timing with the Administration taking the lead made by Mr. Moormann, second by Ms. Theis. Motion 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

XI. OLD BUSINESS

- None

XII. EXECUTIVE SESSION

1. Pending Litigation

Mr. Gehring requested that Real Estate be adding to Executive Session.

Motion to adjourn into Executive Session for the purpose of discussing pending litigation and real estate made by Ms. Theis, second by Mr. Henning.

After discussion, Mr. Gehring agreed to postpone the discussion of real estate to ensure the content was appropriate and the wording of the motion accurate.

Motion to amend the motion to state the purpose of adjourning into Executive Session is solely for the purpose of discussing pending litigation made by Ms. Theis, second by Mr. Hilberg. Motion passed by unanimous roll call vote.

Motion to adjourn into Executive Session as amended made by Ms. Theis, second by Mr. Henning. Motion passed by unanimous roll call vote at 9:36 p.m.

XIII. ADJOURNMENT

Motion made by Ms. Theis, second by Mr. Henning, to adjourn Executive Session and return to regular session at 10:07 p.m. Motion passed by unanimous roll call vote.

Motion made by Mr. Gehring second by Mr. Moormann, to adjourn the regular meeting at 10:12 p.m. Motion passed by unanimous roll call vote.



Christine Doyle, Clerk of Council