

MADEIRA CITY COUNCIL  
REGULAR MEETING MINUTES  
FEBRUARY 22, 2021

I. CALL TO ORDER

Mayor Spencer called the meeting to order at 7:40 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Spencer led the Invocation and Pledge of Allegiance.

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, Asst. Treasurer  
Christine Doyle, Clerk of Council

IV. ACCEPTANCE OF THE AGENDA AND MINUTES

A. Changes to the agenda:  
None

B. Changes to the City Council Regular Meeting minutes from February 8, 2021:  
None

**Motion to accept the agenda and the February 8, 2021 Regular Meeting minutes made by Mr. Moormann, second by Mr. Hilberg. Motion passed by unanimous roll call vote.**

V. MAYOR'S MOMENT

A. Public Comment Reminder

B. In the Community

1. Mayor Spencer said she was grateful to the speedy work of the Public Works Department and the availability of salt during the recent snowstorms.
2. High School athletes are moving into postseason competition, and Mayor Spencer wished them all the best and asked residents to do the same.
3. The community lost Roop Gupta, a family man and the owner of Madeira Beverage, in a tragic murder. Mayor Spencer said our hearts go out to Gupta family as they face life without him. The Madeira Patrolmen's Benevolent Association is collecting donations for the family. The Bureau of Alcohol, Tobacco, and Firearms and a local businessperson are each offering \$10,000 for information that would lead to the assailant's arrest.

C. Special Recognition

Mayor Spencer encouraged residents to share any special recognition to be noted here by sending her an email at [nspencer@madeiracity.com](mailto:nspencer@madeiracity.com).

VI. NOTICES OF OTHER MEETINGS AND EVENTS

- Board of Zoning Appeals March 1, 2021 at 7:00 p.m.
- Mayor's Court March 3, 2021 at 6:30 p.m.
- Inclusion Committee March 4, 2021 at 7:00 p.m.
- City Council March 8, 2021 at 7:30 p.m.

VII. COMMITTEE AND OFFICIAL REPORTS

A. Parks and Recreation Board meeting on February 10, 2021

1. Mr. Mueller reported the Board voted unanimously to cancel the 2021 Easter Egg Scramble after trying to brainstorm how the event could be held with COVID-19 guidelines still in place. In discussion with Council, it was confirmed there are eggs available from last year's cancelled event. Council discussed ways to distribute the eggs to families, so they can hold their own hunts.
2. When asked about other winter and spring activities, Mr. Mueller said the Board has been brainstorming ideas, and they are open to ideas. However, the ideas they've had keep running afoul of the State and County regulations on social gathering or their own internal restrictions for safety and use of taxpayer dollars.
3. The Board is cautiously planning to hold a modified version of the Memorial Day Ceremony.

B. Public Works Committee meeting on February 16, 2021

1. Mr. Gehring reported a Steering Committee has been created to work with MSA Design on the McDonald Commons Master Plan. The Steering Committee will consist of the Public Works Committee members and Anne Horne, Kevin Schad, and Amanda Bicking of the Parks Board.
2. Kleingers will review the 2021 Street Program as their first project as the City Engineers.
3. There were no updates from the Administration on the property acquisition for the Euclid/Camargo intersection improvements, from Duke about available light fixtures, or from ODOT on the Miami/Galbraith roundabout.

C. Planning Commission meeting on February 16, 2021

1. Mr. Moormann reported there were two cases before the Commission. The first was for Carriage Court of Madeira, the property on Stewart Road where the developer was requesting a lot split into five building lots. As requested, the developer presented the Commission with a landscape plan and held a meeting with residents of the area. At the Planning Commission meeting, residents again expressed concern about the loss of trees and the change in topography. The preliminary approval of the split was unanimously approved. Mr. Moormann said this is the first step in a multistep process, and there would be other opportunities for the City and the Commission to weigh in on the development.
2. The second case was for a lot split on Augusta Lane, creating a new building lot. The existing single-family home would remain. The request was unanimously approved.
3. A public hearing was held for the zoning code changes. Mr. Moormann said the changes condense, organize, and modernize the existing code and reflect community priorities as outlined in the Comprehensive Plan.
4. The Commission continued to review the Comprehensive Plan score sheet. The sheet is a guiding tool for what Planning Commission would recommend to Council in the coming months and years.

- D. Inclusion Committee meeting on February 17, 2021
1. Mayor Spencer reported the Committee continued brainstorming their goals and setting priorities. The ideas were grouped into themes that included learning where they are and where they want to go (baseline), communication, connections, events, methods, resources, and training/alignment.
  2. The Committee is considering recommendations to Council that include Council members taking Harvard Implicit Bias review training; the Administration reaching out to neighboring communities to learn how they gathered information from the community; and the City engaging with a professional consultant for developing a survey for gathering community input, as improperly conducted surveys on sensitive topics can be fraught with errors.
  3. Ms. Theis suggested implicit bias training be incorporated into the training Council and board and commission members undergo.
  4. Council discussed engaging with a professional consultant. Several Council members expressed an interest in seeing what the Committee could do on their own before hiring outside help. Mr. Moormann suggested reaching out to the City of Cincinnati regarding their Collaborative Agreement on community policing and the National Underground Freedom Center about implicit bias training.
- E. Budget and Finance Committee meeting on February 22, 2021
1. Mr. Henning presented the Data Trends and Financial Indicators document, which included historical data and metrics the Committee will be using for assessing spending. He explained the new 4.0 Ratio, which is found by adding infrastructure and maintenance spending divided by the street fund reserve over a two-year period. The metric is an efficiency measurement that shows whether revenue and capital spending are efficiently aligned. Mr. Henning said the Committee would continue to monitor the trends and indicators at their meetings.
  2. Ms. Theis said she appreciated the graphic presentation of the information. When asked about sharing a financial health assessment with the community, Mr. Mueller said the Committee tried to do that with the annual Capital Policy memo, but they would look at making the presentation more visual, like this document and the new zoning code.
- F. Police Report
1. Chief Schaefer reported the Department received certification from the Ohio Collaborative for Safe Policing for Safe Communities as required by presidential executive order.
  2. Chief Schaefer attended a webinar on Using Data to Support Community Policing Strategies.
  3. Of the officers on the day shift, one has retired and three more are out for medical issues. The Chief, the Investigator, and the Admin Lieutenant have been filling in the shifts, and some of the night shift personnel have been moved to day shifts.
  4. Regarding hiring a new officer, the National Testing Network list of candidates has expired, so the process of testing potential hires will start again. The process takes about three months, so the best-case scenario would have an offer extended at the end of May. Mr. Hilberg asked for an analysis of the costs and/or savings for covering the shifts.
  5. In the homicide investigation of Mr. Gupta, the Department has some leads; they are going through videos and have submitted items for forensic analysis. Mr. Mueller asked if limiting ingress and egress to the store would deter crimes; Chief Schaefer said it could have an impact, but other factors, like that the store is in a residential area, could still make it a victim of crimes of opportunity; he added that making access more difficult

could impact the business itself. When asked, the Chief said he would revisit costs for installing automatic license plate readers at busier intersections.

#### VIII. COMMUNITY PARTICIPATION

##### A. Guests and Registered Visitors None

##### B. Correspondence

1. A letter was received from Robert Perez regarding the growing deer population. The issue was referred to the Law and Safety Committee for discussion.

#### IX. ORDINANCES AND RESOLUTIONS

##### A. Ord. No. 21-01: Amending the Madeira Code of Ordinances Chapter 150 Zoning Code— First Reading

1. Mr. Fox reviewed the Executive Summary of the changes.
  - Common Sense Structure: The code was reorganized to be more user-friendly and logical, and the number of chapters was reduced from 18 to 6.
  - Residence Districts: The number of districts was reduced from 5 to 3 to better reflect the community's practical composition, and reduce the number of variances required. In addition, Planning Commission paid particular attention to the areas of the code focused on impervious surfaces, Airbnbs, in-law suites, recreational vehicles, home offices, fences, and panhandle lots.
  - Business Districts: The number of business districts was reduced from 6 to 3. The districts are Main Street Madeira, the Montgomery Road Enterprise District, and the Makers, Retailers, and Auxiliary District (the areas that bookend Miami Avenue). Other areas of change include outdoor dining regulations and Main Street Core District regulations.
  - Practical Parking: Some of the rigid parking requirements in the Main Street district have been reduced to encourage economic development. In the Montgomery Road District, there would need to be a reasonable tie for the proposed use of a business to their parking plan.
2. Regarding implementation, Mr. Fox said training would be provided that gives Council, the BZA, Planning Commission, and Staff the most reasonable and legally defensible method for applying the code. Processes would also be audited to make sure they are adapted to the code.
3. Mr. Moeller said zoning code changes are typically referred to the Law and Safety Committee for review. The second hearing of the ordinance would be held when the Committee has completed their review; a public hearing would be held at that time as well.
4. Council decided to email their changes and suggestions to the Committee. Mr. Moormann asked for community input as well. The zoning code is currently on the City's website as a PDF, so it is searchable. Upon request, Mr. Moeller said he would contact the library about having a printed copy available there for review.

X. NEW BUSINESS

A. Farmers Market Funding Request

1. Mayor Spencer reported the treasurer of the Farmers Market asked the City for \$7,000 for sustaining the market. When asked, Mr. Moeller said he would ask Hamilton County if this would qualify for CARES Act funds. Council discussed the request and referred it to the Budget and Finance Committee. It was requested that the Farmers Market provide information as to how the funds would be used and that the Administration reach out to other communities to see if they support their farmers markets.

B. Community Drive for New Life Furniture Bank

1. Mayor Spencer said the furniture drive would be free, and New Life would provide marketing materials that the City would print. New Life provides two options for the event:
  - Option 1: A truck would be parked on a given date and residents would bring items to the site.
  - Option 2: Residents would schedule a time on the given date for New Life to pick up furniture. In addition, on the same date, there would be a site where other items could be donated.
2. Council discussed planning for what might go wrong with the event and the timing of the event between Madeira Mart and Large Item Pickup. They asked that due diligence be conducted on the charity and that Mariemont be contacted about how their event went.

XI. OLD BUSINESS

A. Muchmore House Lease Discussion

1. Mr. Fox said Arts and Creativities had stopped providing rent payments to the City toward the end of 2020. He outlined his communications with the business owner, Christine Parker. On February 2, he sent correspondence that identified the default and the amount due at that time of \$8,400. After communication with Ms. Parker, additional correspondence was sent on February 12 that set forth two options for working toward a resolution.
  - Option 1: Cure the default as of March 1, which at that time would be \$9,600.
  - Option 2: The City would allow her to occupy the facility until the end of March. On February 18, Ms. Parker requested until May 1, 2021 to figure out what the marketplace was going to do and how COVID guidelines might be changed.
2. Mr. Fox said Council could authorize the eviction action; agree to provide time up to May 1; or present another option. When asked, Mr. Fox said Ms. Parker gave no indication she was willing or desirous to catch up on the payments by March 1, and he did not believe Arts and Creativities applied for initial round of PPP funds.
3. In discussion, Mr. Mueller said the City has in the past been forgiving of rent for a time, but that has to be balanced with the fact that Council is the steward of taxpayer dollars and cannot subsidize a private business. He added the City has not sued tenants for funds owed up to a few thousand dollars when they ceased operation. However, he would likely not support a plan where the tenant continues in the space but does not have a plan for becoming current with the rent payments. Mr. Moormann said Council accommodated lease concessions in 2020, but it would be unfair to forgive lease payments for an extended period of time when the other tenant is paying rent in full on time.

4. Mr. Moormann said it was an inaccurate assessment that the City could afford to not receive the past due rent; Mr. Gehring later added, as an illustration of what the City's dollars pay for, that the amount due could purchase 125 tons of road salt. Mayor Spencer said she too bristled at the notion and added the City extended a lot of effort making suggestions as to how to move through this financial difficulty.
5. Council discussed asking the tenant to vacate before moving ahead with an eviction.

**Motion to authorize filing of an eviction action against the tenant, Arts and Creativities, LLC, unless said tenant is willing to execute a release by close of business Friday, one of the provisions of which is that the tenant would agree to vacate the property on or before March 31, 2021 made by Mr. Hilberg, second by Mr. Henning. Motion passed by unanimous roll call vote.**

XII. EXECUTIVE SESSION

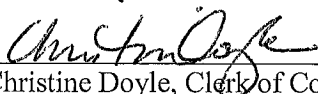
A. Pending Litigation

**Motion to adjourn into Executive Session for the purpose discussing disputes involving the City that are subject to pending, possible, or imminent court action; or to discuss legal opinions of the Law Director on such matters that could reasonable involve future litigation made by Ms. Theis, second by Mr. Moormann. Motion passed by unanimous roll call vote at 10:12 p.m.**

XIII. ADJOURNMENT

**Motion made by Mr. Henning, second by Mr. Moormann, to adjourn Executive Session and return to regular session at 10:27 p.m. Motion passed by unanimous roll call vote.**

**Motion made by Ms. Theis, second by Mr. Hilberg, to adjourn the regular meeting at 10:28 p.m. Motion passed by unanimous roll call vote.**

  
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Christine Doyle, Clerk of Council