

MADEIRA CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 9, 2021

I. CALL TO ORDER

Mayor Spencer called the meeting to order at 7:31 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 (arrived at 8:01 p.m.)
Tom Henning
Chris Hilberg
Doug Moormann
Brian Mueller
Traci Theis

Officials/Staff present:

Brian Fox, Law Director (arrived at 7:33 p.m.)
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 July 12, 2021:

None

C. Res. No. 38-21: Authorizing the City Manager to Pay K.E. Rose Company, Huber Heights, Ohio, for Additional Equipment Installed on the Ford F-550 Cab and Chassis Body

Motion to accept the agenda; the July 12, 2021 minutes; Res. No. 38-21: Authorizing the City Manager to Pay K.E. Rose Company, Huber Heights, Ohio, for Additional Equipment Installed on the Ford F-550 Cab and Chassis Body made by Mr. Moormann, second by Ms. Theis. Motion passed by 6-0-1 roll call vote.

V. MAYOR'S MOMENT

A. Public Comment Reminder

B. In the Community

1. Mayor Spencer recognized the passing of Joyce Dearborn, a long-time crossing guard at the Madeira Elementary School, who touched students and families with her warm smile and friendly greeting.

C. Special Recognition

VI. NOTICES OF OTHER MEETINGS AND EVENTS

- Parks and Recreation Board (Park Walk) August 11, 2021 at 7:00 p.m.
- Madeira Street Dance and Family Fest August 14, 2021 at 6:00 –11:00 p.m.

- Public Works Committee August 16, 2021 at 5:00 p.m.
- Planning Commission August 16, 2021 at 7:00 p.m.
- Mayor's Court August 18, 2021 at 6:30 p.m.
- City Council August 23, 2021 at 7:30 p.m.
- Budget and Finance Committee September 27, 2021 at 6:30 p.m.

VII. INVITED GUESTS

None

VIII. COMMUNITY PARTICIPATION

A. Guests and Registered Visitors

1. Leslie Guzman, 6576 Carriage Hill Court, addressed Council regarding the sinkhole that appeared in her backyard in July. She related the communications she had with City staff and Mayor Spencer about the issue, including her suggestion that Council convene a special meeting to discuss. She asked Council for collaboration—including information on the entire length of pipe and amount of water running through it—to discover what is happening with the pipe and why, in order to prevent other similar problems along this pipe in the future.
2. Melissa O'Cull, 7461 Madeira Pines; Bryan Huff, 7215 Fowler; Jennifer Kelch, 7483 Madeira Pines; Cheryl Boyd-Vakenis, 5583 Mapleridge; and Karl Meves spoke in support of Ms. Guzman and asked Council to help her to expedite a solution.
3. Lauren LeRoux, 6623 Dawson, stressed the urgency of addressing the issue, as her basement has flooded four times since the beginning of July and will continue to do so until the pipe is fixed. She asked Council for dates by which this will be resolved, so she can go about making repairs to her home.
4. Kate Queen, 7460 Mar Del, said her family has been displaced from her home for 6 weeks after a flash flood caused the nearby creek to overflow its channel. They first contacted the City in June and City engineers have inspected the area. The Queens are unable to live in their home or sell it and asked Council to expedite a solution to the flooding.
5. Ruth Boyatt, 7440 Mar Del, and Melissa Ziera, 7410 Mar Del, spoke in support of the Queens and asked the City to work with them to quickly get back in their home.
6. Doug Oppenheimer, 7431 Mar Del, asked for a copy of the video that was taken of the broken pipe that caused the sinkhole at McDonald Commons.
7. Mayor Spencer said she had to recuse herself from the Guzman discussions. However, she said the City owes residents a better response time and assistance in navigating solutions to these complex issues. Mr. Moormann expressed his sympathy and thanks to those in attendance. He noted the City needs to tread carefully as to where public responsibility ends and private responsibility starts. He added it's hard to set time expectations because government has processes to follow; however, he voiced his commitment to do what is possible and practical.

B. Correspondence

1. The City received a liquor license transfer request for Madeira Beverage. When asked, Chief Schaefer said his review was into the conduct of the parties involved and whether they have allowed criminal activity in the past.

Motion to waive a public hearing of the liquor license transfer for Madeira Beverage made by Ms. Theis, second by Mr. Gehring. Motion passed by unanimous roll call vote.

IX. COMMITTEE AND OFFICIAL REPORTS

A. Economic Development Committee meeting on July 13 2021

1. Mr. Moormann reported there was a discussion of the CRA tax abatement on remodeling of existing homes, and the Committee decided to put the discussion on hold since the School levy would be on the next ballot.
2. The Committee recommended that Council reinstate the business incentive program at the \$20,000 level that had been set previously.
3. Regarding the Downtown Redevelopment District, the Committee is awaiting feedback from the consultant on the likelihood of getting the historic designation for the Depot.
4. The City is giving notice to the school boards the intention of putting a TIF on the Swing Line Grill. The Committee's intent is that the City would make the schools whole.

Motion to reinstate the business incentive program, as it is currently written, in budgets going forward made by Mr. Moormann, second by Ms. Theis. Motion passed by 6-1 roll call vote, with Mr. Gehring opposing.

B. Parks and Recreation Board meeting on July 14, 2021

1. Mr. Mueller reported the Independence event usually nets at a \$14,000 deficit each year; this year the deficit was \$22,000. He attributed some of the expenses to one-time anomalies of having the first event after the pandemic and in the new location; he thought the deficit would be closer to \$13,000 next year.
2. The Street Dance and Family Fun Fest will be held this Saturday, August 14.

C. Public Works Committee meeting on July 19, 2021

1. Mr. Gehring reported the water main and Euclid Road projects are on schedule.
2. Bids for the 2021 street program will be opened on August 24, and repaving will start at the end of September.
3. Kleingers, the City engineers, are working on a presentation of the Miami Ave traffic-calming project.
4. There was a request from residents on Shewango to redefine the street as a through street that would be eligible to have sidewalks installed at City expense. After research, it was determined the streets designated as through streets were formerly County roads and are, therefore, eligible for the SCIP funding that has been used in the past for sidewalks.

D. Senior Commission meeting July 19, 2021

1. Mr. Hilberg reported the Commission discussed the Senior Services list that will include 20-30 contractors that seniors could contact for home repair needs.
2. They discussed upcoming events, including the one that just took place on August 4 and the October 6 fire safety event.

E. Planning Commission meeting on July 19, 2021

1. Mr. Moormann reported there was a briefing on the Hamilton County Community Block Grant program and updates on various funding requests.
2. He reported the development on Woodsway has begun, and trees have come down, which has caused consternation in the neighborhood. The next step is for the developers to come back to Planning Commission for final approval of the development plan.

F. Board of Zoning Appeals meeting on August 2, 2021

1. Mr. Moeller reported there were two cases on the agenda. The request for a variance to construct a covered porch addition on a nonconforming lot at 7711 Naomi was approved, as were the setback variances to construct a second-story addition at 7816 Dee.
- G. McDonald Commons Steering Committee meeting on August 3, 2021
1. Mr. Gehring reported the design for the Park is nearly final, and the public feedback stage will begin with a presentation and feedback opportunity at the Street Dance.
 2. Mr. Gehring walked through the design, noting the features including a community room, more restrooms, and intentional shaded areas. The number of parking spaces is the same as currently at the park, but they are looking at ways to add a few more spaces.
 3. The consensus on the Committee is a desire to turf all the sports fields so that the park is more usable year-round. Council discussed the pricing, safety, flexibility, and aesthetics of turf vs. grass.
- H. Inclusion Committee meeting on August 5, 2021
1. Mayor Spencer reported the Committee prepared for their presentation at the Street Dance. They plan to share the objectives and organization of the Committee and to conduct a short survey to gather insights. They are planning a longer, more focused survey to be conducted in the future.
- I. Budget and Finance Committee meeting on August 9, 2021
1. Mr. Mueller asked Council to note the month-to-date numbers look off due to a later tax date in 2020; he recommended reviewing the annual number to date for a better comparison.
 2. The City has not yet received the ARPA funds, so the Committee will continue to hold off on their recommendation for how to use the funds.
 3. The Committee does recommend to Council approval of the \$100,000 per year increase for the Joint Fire District.
 4. Mr. Henning presented the Financial Indicators for 2019 and 2020. The metrics will be presented again after the budgeting process at the end of the year.
- J. Police Report
1. Chief Schaefer announced a new officer has been hired; Cameron Stewart will start on August 18. He has almost 5 years of service with the Ohio State Patrol, a criminal justice degree, and a history of community engagement.
- K. Fire Chief Report
1. The June report was included in the Council packet for reference. There was no discussion about the report.
- X. ORDINANCES AND RESOLUTIONS
- A. Ord. No. 21-04: An Ordinance Amending Certain Portions of Chapter 92: Junk; Rubbish; Littering; Weeds, Including Sections 92.45; 92.46; 92.47 and 92.48; and Chapter 158: Property Maintenance Code, Including Sections 158.11.D; 158.34.A; 158.34.B; 158.340.A; 158.40.B; 158.40.C; 158.40.D; 158.99.A; 158.99.B; 158.99.C; 158.99.D and adding Sections 158.42 and 158.43 of the City of Madeira Code of Ordinances—Third Reading
1. Mr. Henning said the ordinance would help preserve Madeira's natural heritage and promote sustainable landscapes with native plants.

Motion to amend Ord. No. 21-04 to change “Southeast Ohio” to “Southwest Ohio” made by Mr. Henning, second by Mr. Gehring. Motion passed by unanimous roll call vote.

Motion to approve Ord. No. 21-04: An Ordinance Amending Certain Portions of Chapter 92: Junk; Rubbish; Littering; Weeds, Including Sections 92.45; 92.46; 92.47 and 92.48; and Chapter 158: Property Maintenance Code, Including Sections 158.11.D; 158.34.A; 158.34.B; 158.340.A; 158.40.B; 158.40.C; 158.40.D; 158.99.A; 158.99.B; 158.99.C; 158.99.D and adding Sections 158.42 and 158.43 of the City of Madeira Code of Ordinances as amended made by Mr. Henning, 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

- B. Ord. No. 21-05: Adopting New Zoning Map to Reflect District Name Changes as Adopted with Ordinance 21-01 Amending the Madeira Zoning Code of Ordinances Chapter 150 Zoning Code—First Reading
1. Mr. Fox asked that the ordinance be tabled until the August 23 meeting.

Motion to table Ord. No. 21-05: Adopting New Zoning Map to Reflect District Name Changes as Adopted with Ordinance 21-01 Amending the Madeira Zoning Code of Ordinances Chapter 150 Zoning Code made by Mr. Gehring, second by Ms. Theis. Motion passed by unanimous roll call vote.

- C. Res. No. 39-21: Authorizing the City Manager to Execute Change Orders 1 and 2 for the Euclid Avenue Improvement Project
1. There were no questions from Council on this legislation.

Motion to approve Res. No. 39-21: Authorizing the City Manager to Execute Change Orders 1 and 2 for the Euclid Avenue Improvement Project made by Mr. Gehring, 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

- D. Res. No. 40-21: Authorizing the City Manager to Contract with Ohio CAT for the Purchase of a 2021 Caterpillar Model 415 Backhoe through the State Cooperative Purchasing Program
1. There were no questions from Council on this legislation.

Motion to approve Res. No. 40-21: Authorizing the City Manager to Contract with Ohio CAT for the Purchase of a 2021 Caterpillar Model 415 Backhoe through the State Cooperative Purchasing Program 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
Traci Theis	yes

XI. NEW BUSINESS

A. Poison Hemlock Awareness

1. Mayor Spencer said information on identifying this toxic weed was included in a Friday flash, but she asked Council for discussion on what else could be done to inform the community. Council decided to include in the newsletter information on herbicides to use and the best time of year to mitigate the plant. They also agreed to posting signs in the parks with photos to help identify the plant and a phone number to call if it's spotted on City property.

B. Hamilton County Public Health COVID Guidance

1. Mr. Mueller asked for a discussion on the latest COVID guidance. In his opinion, HCPH has done an excellent job using professional medical guidance during the pandemic. HCPH has never rescinded the guidance that the unvaccinated should wear masks indoors and recently reissued the guidance for everyone, including teachers, students, and visitors to schools, to wear masks in indoor settings. The difference between the Health Department's guidelines in 2020 and today is the Ohio Legislature has changed the enforcement authority from the Health Departments to the local cities. Some have interpreted the enforcement change to mean all guidance is voluntary. He said guidance from the Health Department has not substantively changed from last year, and the elderly and unvaccinated children are still vulnerable. He said he supports continuing to follow the guidelines from the Health Department, and it is his understanding that cities have the legal supremacy over the entities in its jurisdiction, including schools, to enforce Health Department guidelines.
2. Mr. Gehring said Hamilton County is considered a substantial spread area. He said the State as deferred the responsibility of enforcement to local government, and he feels it's Council's responsibility to help reduce the spread of the virus in the community. Mr. Henning added that he has followed the Health Department's guidelines to this point, and he said maybe it's the City's turn to provide that guidance to the community.
3. Ms. Theis said she does not agree with the attempt to force the hand of the Schools, which has their own duly elected Board.
4. Mr. Moormann said he appreciates the concern, especially for children under 12, but Madeira doesn't have its own health department or an authority to make a mandate. The School Board has made its decision about masks for the coming school year and people who have concerns about the decision need to address the School Board. He said a conversation about mask use on City property, at City events, or by City employees would be reasonable.

5. Mr. Gehring said the County Health Department is the City's Health Department, and he would like to see the City put together protocols on how to put forward their guidance.
6. Mayor Spencer said the Ohio Legislature has remanded this issue to the jurisdiction of local municipalities. While she agrees with the primacy of the School Board for dictating decisions for the Schools, she also thinks it's the City's responsibility to the community to provide protection in public as directed by HCPH. She said if the School Board does not make the decision to protect the vulnerable populations, then Council would be failing in its duty to represent the community at large and their need for public safety if it don't take some consideration to protect that population.

Motion to ask the Law Director to develop an ordinance to allow the City to appropriately enforce the Hamilton County Health Department's mandates made by Mr. Gehring, second by Mr. Mueller.

7. Mr. Moormann said Council would not be having this discussion if the School Board didn't make the decision they made the other night. Since the Board was having the same discussion this night, he suggested tabling the motion until the outcome of the Board meeting. Mr. Hilberg agreed with waiting for the School Board's decision.
8. Mr. Gehring responded the motion was to draft legislation, not approve it. Mr. Mueller added his intent is to not do any more or less than the guidelines set forth by HCPH; he's in favor of the motion to begin the process of making the HCPH guidelines official again.

Motion to table the legislation for the outcome of the August 9, 2021 School Board meeting made by Mr. Moormann, second by Ms. Theis. Motion failed by 3-4 roll call vote.

Mayor Spencer	no
Mr. Gehring	no
Mr. Henning	no
Mr. Hilberg	yes
Mr. Moormann	yes
Mr. Mueller	no
Ms. Theis	yes

Motion to ask the Law Director to develop an ordinance to allow the City to appropriately enforce the Hamilton County Health Department's mandates passed by 4-3 roll call vote.

Mayor Spencer	yes
Mr. Gehring	yes
Mr. Henning	yes
Mr. Hilberg	no
Mr. Moormann	no
Mr. Mueller	yes
Ms. Theis	no

XII. OLD BUSINESS

A. Osceola Sidewalks

1. Mr. Moeller requested a motion to proceed with engineering designs for a preliminary estimate for the cost of sidewalks on Osceola.

Motion to proceed with engineering designs for a preliminary estimate for the cost of sidewalks on Osceola made by Mr. Moormann, second by Mr. Henning. Motion passed by 6-0-1 roll call vote, with Mr. Mueller absent.

XIII. EXECUTIVE SESSION

- A. Pending Litigation
- B. Real Estate

Motion to adjourn into Executive Session for the purposes of discussing real estate and pending litigation or matters likely to arise in pending litigation as the Law Director has determined made by Ms. Theis, second by Mr. Moormann. Motion passed by 6-0-1 roll call vote, with Mr. Mueller absent, at 10:09 p.m.

XIV. ADJOURNMENT

Motion made by Mr. Gehring, second by Mr. Henning, to adjourn Executive Session and return to regular session at 11:20 p.m. Motion passed by unanimous roll call vote.

Motion made by Mr. Gehring, second by Mr. Moormann, to adjourn the meeting at 11:21 p.m. Motion passed by unanimous voice vote.



Christine Doyle, Clerk of Council