

**Administrative Services Committee  
Meeting Minutes  
June 16, 2022**

Ms. Russell called the meeting to order at 3:00 p.m.

**Present:** *Sandy Russell*, Lisa Evans, Kim Chamberland

**Staff:** City Manager Michael Doss, Planning and Community Development Coordinator Christine Celsor, Finance Director Pat Wirthlin, Law Director Mike Minniear and Executive Assistant Jackie Bain

**Visitors:** Lynn Chaney, Mike Menkhaus, Damiene Nelson, Laurie Howland and Mr. Ryan Hartig

**Proceedings:** The updated minutes from the May 11, 2022, Administrative Services Committee Meeting were approved.

**DISCUSSION: PROPOSED LEGISLATION RE: SHORT TERM RENTALS AND REGULATIONS**

Mr. Doss reviewed the suggestive Changes information regarding Short Term Rentals and Regulations:

740.01 removed the word Owner Occupied

740.03 added the word Residential

740.04 permitting Fee amount changed to \$500

He stated that he did not feel these were substantive changes but wanted to figure out with the committee a time frame to enact this ordinance. If we take this ordinance and it becomes effective January 1 of next year, this would then be a substantive change which would make the whole legislative process start itself back over again starting Tuesday unless we get the five necessary votes. Anything else, if its effectuated, on Tuesday night, with no significant changes, it would go into effect at such time. Any other extended periods would need to be discussed. Mr. Doss informed the committee that the staff wanted to come before committee with the changes they were suggesting.

Mr. Minniear discussed the effective date with the committee. The rationale was to due process and fairness, require a person to be given an opportunity to go through the permit process. We have not even had a permit application generated yet.

Ms. Celsor commented that the 740.03 rule/regulation needed to be changed to read:

A Residential STRP is not permitted within the three hundred feet buffer zone of another residential STRP, and no more than thirty STRP's shall be permitted per calendar year.

The committee discussed and concluded that a permit application process will be available within sixty days. October 1, 2022, was proposed as the date to which those that the Ordinance applies to, must come in and complete the permit process.

Ms. Chamberland made a motion to take the updated information as discussed in this meeting to council.

**Ms. Chaney –**

Ms. Chaney had multiple questions regarding the changes and the process for the currently proposed Short Term Rental Ordinance information.

Mr. Minniear explained the process per the City of Milford Charter.

The committee members explained items of concern to staff. They had to define between commercial and residential. And the current discussion is regarding the time frame becoming effective on October 1, 2022.

Ms. Russell addressed the audience and explained the clarification process which will help staff be able to enforce the rules and regulations of the Short-Term Rental information.

**Mr. Menkhaus –**

Commented that not all of these businesses are illegal if you have a zoning variance. Questions were also asked of the committee regarding the rules and regulations of the Short-Term Rental.

**Ms. Howland –**

Discussed the committee's duties and obligations. And how this effects the people living next door to these units every single day. If it such a concern of where these people will stay, she suggests that people stay at our local hotels.

Mike Minniear responded that if we are going to pass the ordinance, passing it indicates that the Owner-Occupied short-term rental properties are legal at that point. Then the permit process allows you to continue to operate, provided you do the permit process. We may want to pass it making it effective immediately so that they are on notice that they are operating not according to the ordinance, but we will give you a moratorium, so to speak, to complete the permit application within a certain amount of days.

Ms. Wirthlin explained the first reading information. Also discussed were the concerns of staff regarding the placing of the word residential to make it clearer. And if it was not a substantive change and if it is something to just make it clearer, that is okay. But if it is a substantive change, then they would have to start the process over. And the issue of the time frame could or could not be a substantive change. She believes that up to 90 days was not a major change. And that is why we could change it a little bit, and it does not have to be a verbatim second reading, and it can still be a second reading and pass at the next meeting instead of starting over.

Mr. Minniear stated that there are two separate things here. The ordinance itself which is the law/the text. Which is Chapter 740/Short Term Rental Property. Then there is the enacting legislation, which is the ordinance itself, which he will read. He reads the ordinance, and he adopts the text by incorporation. There is nothing in the text that states when it is effective. The last council meeting it was effective immediately. HE can only read it again, there has to be exactly the same text at the next council meeting. If we do not change anything on it, the changes he discussed before regarding the \$500 and the Residential those are clarifications. Those are substantive major changes. Making the effective date from immediate to a time period is a major change. IF he comes back at the next council meeting and there is no change to the effective date, it can be passed that night, with four votes. If the effective date is made any time other than immediately, he can only read it for the first time at the meeting. Mr. Minniear stated that we make it effective immediately but with the understanding that people will have the opportunity to complete the permit process to be in compliance.

Ms. Chamberland clarified the information with Mr. Minniear that as this is written, does this constitute as a second reading and can be passed by only four votes at the next council meeting? And then we can say it is effective immediately for people that have owner-occupied short-term rentals in residential neighborhoods would get on notice that you would have to apply for your permit for your property. And we have a moratorium until October 1<sup>st</sup>.

Mr. Minniear stated that yes. He could read the ordinance as the text as it exists today, with just those minor clarification changes, is effective immediately, but the city will grant a time period for people to complete the process. Which could pass on Tuesday. If we did not give people a moratorium, what would we do? Call the Sheriff? He is concerned with the community and the residents but there is a fairness issue involved here. The people have to be given the opportunity to bring themselves in compliance. It is about due process and fairness and about the residents that live here.

**Damiene Nelson –**

Has owned many rental properties and yes, it is a pain to adapt. But you can definitely make money on long term rentals.

Ms. Chamberland made a motion to move this to council, next Tuesday, to make this *EFFECTIVE IMMEDIATELY with people to have the opportunity to complete the permit process until October 1<sup>st</sup>.*

Ms. Russell seconded the motion

Ms. Evans no

*THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN ORDINANCE TO BE EFFECTIVE IMMEDIATELY RESIDENTIAL, OWNER AND NON-OWNER OCCUPIED, SHORT-TERM RENTAL PROPERTIES ARE PROHIBITED.*

\*In the body of the Ordinance it will be indicated that persons currently not in compliance with this ordinance shall be given until October 1, 2022, to be in compliance

## DISCUSSION: MEDICAL MARIJUANA FACILITIES

Mr. Doss discussed how the state has offered up additional licensers for medical marijuana dispensaries in the State and at they have gone through a lot of reprocesses. There were several applicants that listed the City of Milford as their addresses to place dispensaries. Several LLC placed multiple applications for one property. We have received any permitting or any applications for permits for any of those properties. There is a concern for how many medical marijuana dispensaries can you have within a city. And it can have an impact on economic development because of the stigma that is still around.

The committee discussed and considered limiting the amount of medical marijuana dispensaries within the City of Milford. And to only allow one operating licensed facility at one time.

**Ms. Chaney** commented that currently in the insurance industry even if it is allowed by the State marijuana is not recognized at the Federal level as being a legally operated business and as such you cannot insure them. You many need to input some insurance criteria for the business.

*THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN ORDINANCE LIMITING MEDICAL MARIJUANA OPERATION FACILITY TO ONE LICENSED OPERATION FACILITY AT ONE TIME IN THE CITY OF MILFORD.*

## DISCUSSION: 5633 HAPPY HOLLOW ROAD LOT SPLIT

Ms. Celsor brought to the committee's attention an application for a lot re-configuration located at 5633 Happy Hollow Road. The house is located on a parcel in Milford and the driveway is located on a parcel in Miami Township. The are looking to combine the driveway property into the main part of the property. All departments have reviewed this information and did not have with any concerns.

**Mr. Ryan Hartig** – Viox & Viox

Discussed with the committee the property size and reviewed a layout of the property.

*THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN ORDINANCE APPROVING THE RECONFIGURATION OF THE LOT AT 5633 HAPPY HOLLOW ROAD*

## ESTABLISHMENT OF THE PARK LEVY IMPROVEMENT FUND NO. 418

Ms. Wirthlin brought to the committees' attention that a month ago she asked for approval to make Fund 208 for the Park Levy. She has since then has had second thoughts about it after talking this over with financial experts. They have decided to go in a different direction. It would involve two funds. Fund number 418/Park Levy Improvement Fund, which accounts for the park development & Fund 332/Bond Levy Retirement Fund which accounts for the debt payment. Separating one from the other.

The Committee Agreed to Recommend That The Law Director Draft An Ordinance Authorizing The Creation of The Park Levy Improvement Fund Number 418 (And Declaring An Emergency)

DISCUSSION: LOCAL GOVERNMENT FORMULA

Mr. Doss discussed the Local Government Fund Formula and how it is dispersed. Milford's formula with the new Township model went down to a bit over \$50,000 which was set to go on a three-year scale. This model, which three groups have to vote on, Clermont County Commission, The City of Milford and a combination of the Townships and Villages. If they are to exclude the City of Milford, they must pass an ordinance every year. If they include the city of Milford in their formula, it is good for a period of five years. Mr. Doss reviewed information regarding a consensus model with the committee. He went over information on several resolutions being circulated through Clermont County with the Township Association and also a mayor's model going around. The model that benefits the City of Milford the most is the Clermont Consensus model.

Ms. Wirthlin also discussed Milford's involvement in the process and the race for resolutions process.

*THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN RESOLUTION AUTHORIZING ADOPTION OF AN ALTERNATIVE METHOD OF APPORTIONMENT OF THE UNDIVIDED LOCAL GOVERNMENT FUND FOR CALENDAR YEARS 2023 THROUGH 2027*

DISCUSSION: NON-UNION EMPLOYEES COMPENSATION

Mr. Doss informed the committee that it is that time of the year to discuss non-union employee compensation. At the end of each calendar year, we pass a Resolution for employee compensation for non-union employees. We have collective bargaining employees and the contracts for those four bargaining pay increases are effective July 1 of each year. We are trying to line them up with the Union contracts and that is why you are seeing this information now instead of at the beginning of each year as previously done. And to be distributed by a flat amount that he or she can divi up accordingly to staff.

Mr. Doss also asked for an additional consideration for the Asst. Chief of Police and Finance Director to have their portion of their pension picked up. They are vitally important positions, key roles within the City of Milford. It would 10% for the Finance Director and 12.25% for the Assistant Police Chief. They are not getting an increase with the \$21,000 but is also about retainage of good quality employees. And their names to be identified in the ordinance.

*THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN ORDINANCE TO INCREASE THE AMOUNT FOR NON-UNION EMPLOYEES COMPENSATION IN THE TOTAL AMOUNT OF \$21,000 TO BE DIVIDED UP BY THE CITY MANAGER.*

*THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN ORDINANCE TO HAVE A PORTION OF THE PENSION PICKED UP FOR ASSISTANT CHIEF OF POLICE IN THE AMOUNT OF (12.25% PER YEAR) AND THE FINANCE DIRECTOR IN THE AMOUNT OF (10% PER YEAR)*

There being no further business, the meeting adjourned at 4:28 pm with a motion from Ms. Evans. Seconded by Ms. Chamberland All yes

Respectfully submitted,  
Jackie Bain, Executive Assistant

“These minutes have been approved and adopted by Ms. Russell, Ms. Evans and Ms. Chamberland on June 21, 2022.”