

RECORD OF PROCEEDINGS

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

HeldDecember 18, 201820

The Council of the City of Milford met in Council Chambers at 745 Center Street at 7:00 p.m. on December 18, 2018. Mayor Albrecht called the meeting to order with the Pledge of Allegiance and a Moment of Silence for all of the families that are suffering during the holidays.

Roll Call: Present: Mayor Albrecht, Vice-Mayor Brewer, Mr. Brady, Ms. Chamberland, Mr. Haskins, Ms. Evans. Ms. Evans made a motion to excuse Ms. Russell who was on vacation. Seconded by Mr. Brady. All voted yes

Proceedings: December 4th, 2018 Special - Work Session City Council meeting proceedings. Ms. Evans made a motion to approve. Seconded by Mr. Brady. All others voted yes. December 4th, 2018 City Council Regular Meeting proceedings. Ms. Evans made a motion to approve. Seconded by Mr. Brady. All others voted yes.

Correspondence: Per Chief Baird-City council needs to appoint/reappoint two (2) council members to serve on the Volunteer Firefighters' Dependents Fund board (Sandy Russell and Ted Haskins are the current appointees). Ms. Evans made a motion to reappointed Ms. Russell and Mr. Haskins. Ms. Brewer seconded the motion. All voted yes.

Standing Committee Reports:

Administrative Services Committee

Administrative Services Committee December 17, 2018MinutesEd Brady called the meeting to order at 4:00pmCommittee Members Present: Ed Brady, Kim Chamberland, Lisa Evans
Staff: Lori Pegg, Community Services Manager; Pat Wirthlin, Finance Director; Allyn Bartlett, Tax Specialist
Visitors: Tax Increment Financing (TIF) Revenue Sharing payment to Milford Exempted School District Ms Wirthlin noted that we have several tax incentive programs within the City to draw business. The TIF income tax revenue sharing formula calls for revenue sharing to Milford schools if a business within the TIF district generates payrolls exceeding \$1 million in any given calendar year. Specifically if a business payroll exceeds \$1 million, the City is required to split income tax revenue generated by new employees on a 50/50 basis, subject to "infrastructure set-off" amount up to 35% of the taxes levied and collected on the income of new employees at the site. Attached is an email describing the details of the TIF payment for the years 2015 & 2016. The payment due for 2015 has been calculated as \$19,964.60 and for 2016 that amount is \$21,525.08. Ms. Evans asked why are we just now paying these payments from 2015 and 2016, Mr. Bartlett noted that we traditionally pay them in arrears. Mr. Brady noted then these are the portions we need to pay the school in a total amount of \$41,489.68 and this will end the TIF program for that district. Mr. Bartlett agreed. Mr. Brady made the following motions, Ms. Evans seconded and all agreed. The Committee agreed to make a motion authorizing the Law Director to prepare an ordinance authorizing the Finance Director to submit a payment in the amount of \$41,489.68 to the Milford Exempted School District in accordance with the Tax Increment Financing (TIF) revenue sharing agreement. Seconded by Ms. Evans. All voted yes. Community Reinvestment Area (CRA) Revenue sharing payment to Milford Exempted School District A second tax incentive program the City offers is a Community Reinvestment Area (CRA). The CRA income tax revenue sharing formula calls for revenue sharing with Milford Schools if a business within the CRA district generates payrolls exceeding \$1 million in any given calendar year. Specifically, if a business payroll exceeds \$1 million, the City is required to split income tax revenue generated by new employees on a 50/50 basis, subject to the "infrastructure set-off" amount up to 35% of the taxes levied and collected on the income of the new employees of the site. Ms. Wirthlin noted that there is a payment due to Milford Exempted Schools in the amount of \$32,845.76 in accordance with the Riverwalk CRA agreement. Ms. Wirthlin mentioned that we do have other CRA agreements in place. Mr. Bartlett noted that we have 4 other CRA agreements and possible a fifth. He is still working on the information gathering for those calculations and will be bringing that information to City Council early next year. Ms. Wirthlin noted that Riverwalk is a lengthy computation based on each tenants' income. Ms. Evans asked if there was any way to make the process easier, and Ms. Wirthlin said going forward they should be easier, because she will work with the tax administrator to ensure the agreements are easier to read and calculate. For Riverwalk, the process is also difficult because tenants do not file timely and they move in and out sometimes before we even know they are there. With this type of agreement there is \$0 cost to the City because unlike the TIF agreement, the CRA agreements require the developer or company to reimburse the City for the revenue sharing up to a certain amount. This means the net cost to the City is usually zero. Under the Riverwalk CRA agreement, the developer, CMC properties, will reimburse the full amount of \$32,845.76 to the City. Mr. Brady made the following motion, which was seconded by Ms. Evans and all agreed. The committee agreed to make a motion authorizing the Law Director to prepare an ordinance authorizing the Finance Director to submit payment in the amount of \$32,845.76 to Milford Exempted School District in accordance with the Community Reinvestment Area (CRA) revenue sharing agreement with Riverwalk. Seconded by Ms. Evans. All voted yes. Development Agreement Second

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Amendment between the City of Milford, Clermont County Convention and Visitors Bureau and FCC Training Facility, LLC Mr. Brady presented the Second Amendment to Professional Sports Facility Development Agreement among the City of Milford, the Clermont County Convention & Visitors Bureau and FCC Training Facility, LLC. The amendments are as follows: Section 1. Amendment to Section 5.A.The introductory sentence of Section 5.A to the Original Agreement is hereby further amended and restated in its entirety to read as follows:“The obligations of the Parties under this Development Agreement are contingent upon all of the following conditions being satisfied.”Section 2. Amendment to Section 10Section 10 of the Original Agreement is hereby further amended and reinstated in it’s entirety to read as follows: 'This Development Agreement shall terminate on April 19, 2019 (the “Termination Date”) if, by such date, the City has not issued the City Securities and appropriated any additional funds necessary, if any, to pay for the Public Project Costs; provided, however, that the Developer may extend the Termination to such later date as the Developer may, in its sole discretion, deem reasonable by giving written notice of such extension to the other Parties prior to the Termination Date.”The Committee agreed that it makes sense to align the dates of the Development Agreement and the Cooperative Agreement dates. Mr. Brady made the following motion, Ms. Evans seconded the motion and all agreed. *The committee agreed to make a motion authorizing the Law Director to create an ordinance authorizing the City Manager to enter into an agreement for a second amendment to Professional Sports Facility Development Agreement among City of Milford, Ohio and Clermont County Convention & Visitors Bureau and FCC Training Facility, LLC. Seconded by Ms. Evans. All voted yes. Additional Business appropriate to come before the committee* There was no additional business Mr. Brady made a motion to adjourn that was seconded by Ms. Evans and three voted yes. The meeting was adjourned at 4:13pm Respectfully Submitted, Lori Pegg

Police Department Report:

Assistant Chief Mahan reported the department discussed Training for 2019. Also discussed were the bids for outfitting the 2019 Tahoe. Mr. Albrecht commented on the great PR by the Police Department and thank all of the Officers on a great job. AC Mahan mentioned Operation Holiday Patrol - are handing out more this year than in the last couple of years. The department is still going about the city and handing the stuffed animals out . Shop with A Hero event had a great turnout of volunteers including volunteers from both the Police and Fire Departments. 28 children took part in this year's event.

Fire Department Report:

Captain Miles Miller reported that Santa Sunday gave out more than 1,000 treat bags. They had 30 volunteers on three different fire trucks throughout the city on Sunday. Thank you to The Albrecht's, The Coopers and The Dubois families for setting up stops for the department and volunteers. Data was also shared in regards to MART Clermont Recovery Center.

Public Comments:

Julie Rose

Riverside Drive Milford Ohio Ms. Rose has lived in Milford since 1994. Ms. Rose had some questions regarding her water bill. She first liked to thank Ms. Brewer for her helpful posting on Facebook. She understands the needs for the rate hike but questions how it was done. There was mention of February 6th meeting that Ms. Wirthlin discussed the distress in the water and water capital fund balance. Milford City Charter: 923.05 REVIEW OF WATER SYSTEM USE CHARGE. The water system use charge shall be reviewed not less than biannually. Ms. Rose was wondering how the water and water capital fund balance became to be in distress if the systems use was being reviewed biannually? Also asking about the other charges on her water bill. She called City Hall and spoke to Dee Dee and was told it was a late fee. Ms. Rose was dumbfounded by this because she could understand if there was a reconnection fee and her water had been turned off , but it had not been turned off. She feels that the 50.00 late fee is exorbitant. And is sure others in the area feel the same way. That is more than half the original gross amount of the 93.24 When Ms. Rose spoke with Dee Dee she was informed that there is text on the bill about the late charges. Yes, the warning on the bill reads: Payments received after normal business hours are subject to a late payment penalty. But there is no specification as to the amount on neither the front or the back of the bill. She referred back to the City Ordinances and number 921.38 reads: bills paid after the specified due date and prior to the disconnection of water service shall be subject to a late charge fee to be established by the Finance Director and published from time to time and or so stated on the face of the utility charge bill. Ms. Rose asked, how does the Finance Director establish a late fee? What does published from time to time mean? Especially since the late charge fee amount that might be charged, is nowhere on the bill. When the late charge fee is published, where is it published? Dee Dee did mention that City Hall is able to do a onetime waiver of the late fee. But she said that it had already been done for Ms. Rose. After the call ended Ms. Rose tried to recall the circumstances of the waiver. She remembered that there was a time that a check was returned, not because it was bad, but because either Ms. Rose's bank or the city's bank had placed a sticker over the check which had covered part of the account number. Since it was a bank error, it should not qualify as a waiver and the fee should have been completely removed. In closing Ms. Rose had some suggestions: The amount of the late fee be printed on utility bills. The amount of the late fee be a percentage of the gross due. Perhaps something like 5% or 10%. The amount of the reconnection fee be printed on the bills. The date the water will be shut off for non-payment be printed on the bills. If that date

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is the same date as the late fee would be assessed then that should also be noted. That the late fee be noted as such on the bills rather than listed as other charges. If the late penalty amount is in actuality a reconnection fee, then that fee should not be charged if the water is not in fact turned off. Ms. Rose thanked the Mayor and council members for their time and allowing her to speak. Ms. Brewer asked if council could address some of her questions along with Ms. Wirthlin. Ms. Brewer said that Ms. Rose's questions were very good and brought up some really great points. Ms. Brewer mentioned that as the Chair of this Committee for the past twelve years, raising water rates is nothing that we take lightly. The water revenue account isn't an overflowing healthy account. It barely meets minimums. There are no new customers coming in. Our revenue is what it is. We don't have a car wash or any of those things that would boost that service. It was debated for a long time before we placed a fee simply because that is something that we had never done to our residents before. We belabored that for quite a while. It was discussed for over 6 months before we applied the fee. Ms. Rose understands that but her point was that the ordinance says that the funds be reviewed bi annually and if the funds are not indeed being reviewed bi annually then how did we come to be in such distress as was stated in meeting from February 6th? Mr. Albrecht mentioned that there was reluctance to increase rates at all so they were not. And that is the problem that we are having. There is no room for any infrastructure improvements and over time is an issue. Costs keep going up every year to run the department, with salaries, chemicals and EPA requirements. There was no function to cover the costs. This has happened over five years. Ms. Brewer mentioned that now people are more about conserving water. We are not selling more water and expenses are going up. Mr. Albrecht also explained that fixed costs are the same. We thought of getting out of the water business but when researched, it was more expensive to go through Clermont County or Indian Hill. With an analysis of everyone in the area we came in at reasonable rates and increases for the future so that from here on out we have funds built up that we can manage infrastructure issues. And address them now rather than waiting until it is an emergency. Mr. Brady also made a point that we did transition to a new Finance Director. Part of the credit of identifying the issue with the fund in the first place would be Pat come in with a fresh set of eyes and take a look at this. Ms. Wirthlin added that there was a study done 10 plus years ago. And the conclusion was that we needed to increase rates. A base rate, which most other cities do, did not cross the table at that time. The fund balances at that time were healthy. Ms. Brewer stated that due to reason council did not feel right that we are going to keep all this money but we are going to ask for more. We did not do it for that reason. Ms. Wirthlin mentioned that costs increased much more than our revenue did. Ms. Evans brought up the \$50.00 late fee. Ms. Wirthlin explained that there is a \$50.00 shut off fee. Ms. Rose said that when she spoke to Dee Dee yesterday that she was told it was a late fee. And her water was never disconnected. Ms. Wirthlin is going to have that cleared up. The department has just transitioned into new software. And she appreciates Ms. Rose's comments regarding what is on the bill. And we want to make it better. We are transitioning and want to make it clear. The last billing cycle she believes there were no penalties issued because the bills went out late. Ms. Brewer made a suggestion to have Ms. Rose's bill looked up and have a discussion regarding her billing and explain the charges and waive whatever we can waive. Ms. Evans liked Ms. Rose's suggestions on information to add to the bill. Ms. Rose mentioned that going on line to view her bill, there was one dated in November, with just the \$50.00 charge and the system will not allow her to pull that information up and stating that the PDF is not available. Mr. Albrecht said that he understood that the \$50.00 was not termed a late fee but a shut off fee that you pay even if the water is not physically shut off. We also do not charge to have it physically turned back on. It is the timing of when the payment comes in or does not come in. Your comments were spot on. Ms. Evans said that in the committee meeting it was discussed and how it has been late before because every two months you do not think about it. There is not date on the bill stating when it would actually be shut off. Ms. Rose said that it gives you a late date, but it does not say how much the fee is or when it will be shut off. Ms. Wirthlin asked if a subsequent notice is sent because it would show in red. Ms. Rose mentioned that this is a few days before a shut off. Ms. Wirthlin said that Shut Off List gets set the night or day before actual shut offs occur and if you are on that list then you will have to pay the \$50.00 even if you bring in your bill before you get shut off. And she believes that there is a warning notice (second notice) that goes out warning of the shut off , the fee and when it has to be paid. Council thanked Ms. Rose for coming in and addressing this.

Council Comments:

Mayor Albrecht wanted to show off the beautiful Santa decoration which will be used at City Hall and to thank Mrs. Slusher's Brownie Troop for making it for City Hall to enjoy.

New Business:

Ordinances and Resolutions

18-1419 An Ordinance Authorizing Payment To The Milford Exempted Village School District Pursuant To and In Accordance With The Tax Increment Financing Revenue Sharing Ms. Brewer made a motion to suspend the rules and read by title only. Seconded by Mr. Brady. All voted yes. Ms. Evans made a motion to adopt. Seconded by Mr. Brady. All voted yes

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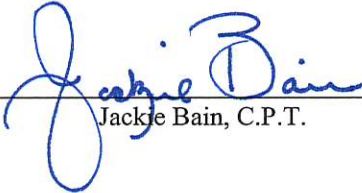
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- 18-1420** An Ordinance Authorizing Payment To The Milford Exempted Village School District Pursuant To and In Accordance With The Community Reinvestment Area Revenue Sharing Agreement With Riverwalk Ms. Brewer made a motion to suspend the rules and read by title only. Seconded by Mr. Brady. All voted yes. Ms. Evans made a motion to adopt. Seconded by Mr. Brady. All voted yes
- 18-1421** An Ordinance Authorizing The Second Amendment To The Professional Sports Facility Development Agreement With The Clermont County Ohio Convention & Visitors Bureau, Inc. and The FCC Training Facility, LLC Ms. Brewer made a motion to suspend the rules and read by title only. Seconded by Mr. Brady. All voted yes. Ms. Evans made a motion to adopt. Seconded by Mr. Brady. All voted yes

Old Business: Merry Christmas to all!

Adjourn:

There being no further business to come before the City Council; the meeting was adjourned 7:40 p.m. with a motion from Ms. Evans; seconded by Mr. Brady. All others voted yes.



Jackie Bain, C.P.T.



Fred Albrecht, Mayor