

RECORD OF ORDINANCES

Regular Meeting
Ordinance No. _____ Passed _____, 20____

May 2, 2018

The Council of the City of Milford met in Council Chambers at 745 Center Street at 7:00pm on May 2, 2018. Mayor Albrecht called the meeting to order with the Pledge of Allegiance and a Moment of Silence.

Roll Call: Present: Mayor Albrecht, Vice Mayor Brewer, Ms. Russell, Mr. Brady, Ms. Chamberland, Mr. Haskins, Ms. Evans.

Introduction and Presentation:

Public Hearing: Milford South Rezoning- Pam Holbrook
Project: Milford South Rezoning Location: 777 Garfield Avenue Property Owner: Milford Schools 777 Garfield Avenue Milford Oh 45150 Applicant: Milford City Council Acreage: 13.59 Acres Tax Parcel Id: 210729.026p Existing Zoning: I, Institutional District Proposed Zoning: R-2 Single Family Residential District **ADJACENT LAND USE and zoning**

*North: R-3 Single Family Residential District
East: R-3 Single Family Residential District;
West: R-3 Single Family Residential District;
South: Valley View, R-2 Single Family Residential District,*

Proposal This is a public hearing to allow City Council to review a zone change application initiated by City Council in accordance with Section 1133.02 of the Milford Zoning Ordinance. The City is requesting a zone change from “I, Institutional District” to “R-2, Single Family Residential District” to parcel # 210729.026P. **ANALYSIS** The 13.59-acre parcel is located at 777 Garfield Avenue and the current property owner is the Milford School District. The District will be moving to a new location and they are marketing the property for sale. In 2017 the City updated their Comprehensive Plan. The Plan changed the future Land Use for several properties including the Milford South property. The Plan indicates that a single family residential zoning classification is more appropriate for the parcel located at 777 Garfield Avenue and the single family residential classification is compatible with the abutting and surrounding property.

The Zoning Ordinance has three different single family residential zoning classifications: R-1, Large Lot Residential, R-2, Single Family Residential, and R-3, Single Family Residential. The table below provides a comparison of the three-different single family residential zoning districts and the regulations for each district:

The R-2 Single Family Residential zoning district allows for single family homes on a minimum lot area of 10,000 square feet. The R-2 zoning district does not permit two family dwellings. City Council believes that the zone change to the R-2 zoning district would be in the best interest of the citizens of the City of Milford and not detrimental to the general welfare. There are no site development plans associated with this zone change. Any future development plans will need to go through an approval process. The requested zoning change is in keeping with the adjacent single-family dwelling properties. Planning Commission held a public hearing on April 25th, 2018 and voted unanimously to recommend approval of the zone change. **STAFF RECOMMENDATION** Staff recommends approval of rezoning parcel id# 210729.026P from I, Institutional District to R-2 Single Family Residential District in accordance with the land use prescribed in the 2017 Comprehensive Plan, and the rezoning would be in the best interest of the citizens of the City of Milford and not detrimental to the general welfare.

Open for discussion: Mr. Minniear asked if there were any proponents that would like to speak in favor of the zone change? No one approached to speak. Mr. Minniear asked if there was anyone that would like to speak in opposition to the zone change?

Mr. Bill Loch approached the podium. His property abuts the property next to Garfield. Mr. Loch asked if there was any discussion as to whether the zoning would be R1, R2 or R3? Mr. Minniear said that yes there was. It was discussed amongst staff. Mr. Loch asked why wasn’t R1 or R3 not picked as the zoning code for the property? Mr. Minniear replied that after staff discussion it was decided that R2 was less dense and more appropriate for the area.

Mr. Albrecht said that in respect to the density in his opinion it doesn’t necessarily have to do with the size of the lot. In South Milford there are a lot of smaller lots. R2 would allow vs. R3. In his opinion, R3 would allow for multi-family housing, apartments and R2 does not.

Mr. Brady said that the permitted use for an R3 would allow a multi-family. R2, which we were all in agreement on, would not allow a multi-family dwelling, and didn’t want to keep it institutional. Of the three options, R2 was the best choice. That was us working on our own and not in anticipation of what the school may or may not do and what may happen there. AS soon as the property was going up for sale we wanted to accommodate it for what we wanted for sale there versus Institutional use.

Mr. Albrecht said it also gives us the opportunity to review any plan development that would come to us.

Mr. Minniear said it is more compatible to the Comprehensive Plan. People have expressed concerns regarding that every tree is not cut down and drainage issues. It is monitored very strictly with whomever should come into the property.

Mr. Loch mentioned that there was a creek behind his house and it is his understanding that it cannot be filled in. He is also concerned about the wildlife in the area as well.

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Mr. Minniear said that they will be very protective of the property and this is why we are doing this. For the concern of the neighbors.

Ms. Brewer said that there was lengthy discussion at the Planning Commission on April 25th. She gave Mr. Loch her copy of the minutes.

Mr. Freemont approached the podium. He asked why would R1 not be preferable over R2?

Ms. Holbrook said that amongst Council discussion, R2 was the choice.

Mr. Minniear said it was R2 was more in keeping with the Comprehensive Plan and more compatible with the surrounding properties.

Mr. Albrecht said the surrounding properties were either R3 or R2.

Mr. Freemont said that there are a few properties that are larger than 10,000 sq. feet on that hill on Wallace Avenue. He said that he would rather have fewer new homes near him rather than more. He would prefer an R1 designation based on his very limited understanding of what it entails.

Mr. Minniear said that to get a better understanding the zoning map should be reviewed. It is not a right or wrong decision and the staff/Pam Holbrook have the expertise on this and they felt that R2 was the best choice in the best interest of the entire city.

Ms. Evans said that we have very little land in Milford left to develop. We wanted to maximize the amount of homes that we could put there without having to go to R3 and placing apartments there.

Mr. Freeman asked if the rational was to maximize the number of homes in Milford.

Ms. Evans said not necessarily or we would have chosen R3.

Mr. Brady reiterated what was said earlier by Mr. Albrecht and felt was a reasonable answer to Mr. Freeman's question.

Ms. Holbrook explained the zoning on the map to Mr. Freeman. She mentioned that they did discuss between going R2 and R3 that R3 did allow for the two family and R2 was at the happy medium.

Mr. Freeman asked if he should surmise that the greater number of homes will be built on the land, the chief rational for going to R2, is better than R1?

Mr. Brady said no. If you look at the surrounding areas, R1 is not the typical zoning. If we were to stay consistent, it would be R3 which we do not agree with. We went with something less dense than R3 and it would definitely be consistent with the majority of the houses in the immediate area. Ultimately this is unusual for the city to be proactive when the property owner hasn't asked us to do this. We are trying to get ahead of what we think may happen. We looked at options and know that the land use and in planning discussions that the majority of council and the people in Milford say that there are too many multifamily and too many apartments and we would like more single family. And in staying consistent, this could easily fall into R3. We went with R2 to give it less density. My personal feeling is let's get rid of the Institutional zoning and go with something less dense and with something typical for that area. Let's see what happens when it actually sells. We can then talk about it becoming more dense. But I do not think that any of us are in favor of us making it more dense or less dense.

Mr. Freeman said that what he considers in Milford's best interest he is not understanding, yet, why R1 would not beat out R2? It would provide at least an opportunity for even more upscale homes than what seem to be on the table.

Ms. Brewer said that if the developer wanted to come in and have a discussion of bigger homes, then that would be a Planning Committee decision and then come before council. We are trying to say that we are trying to stay consistent to the zoning in the area.

Mr. Freeman asked if that was in anticipation of any opposition that may come from the owner of the property?

Mr. Albrecht said that it is overall in the best interest and best use that meet with our planning guidelines that were established by a Steering Committee that included citizens as well as others and to what else is in the area. If you look at it strictly at lot size, it is a good candidate for an R3. The density of the lot allows for apartments. Bigger lots but a lot more density per acre than what R2 is going to do. The differentiating factor of R2 and R3 and R1 would not even be considered. It is not keeping with the rest of the neighborhood.

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Mr. Freeman said that his property is in the R1 zone. He was wondering if there was some sort of a bell curve where we could plant x number of apartments, R2 homes and R1 homes that there is a peak revenue to the City of Milford?

Mr. Albrecht said that if we were getting more with single family homes than the others. But the factor we were more concerned about was the land use.

Mr. Freeman said that as far as the land use what about the Services provided by the city? Is Milford better served by having more than an R1 would allow?

Mr. Albrecht explained that part of the process when a developer comes forward with their plan is that the services provided by the city are all part of the process. If furthering the process with larger lots, it would be a stretch with us regarding that it could limit the use of the property. We are trying to make it fair for the entire city. It is all part of the consideration. If we would have just cherry picked and said that we were going to put an R1 in the middle of an R3 then someone could come and debate that with us. We don't believe that there is a debate regarding our decision. This is the use that has been asked for that property.

Mr. Brady said that our goal is to move it off of Institutional. Beyond that we are not talking to the developer regarding what they would like to have placed on the lot. They may say that R1 is a better use or they would like lots of a different size. Whatever purchase that will go on between the developer and the school district is separate. We decided on our own that we wanted to change the zoning to protect someone from placing something institutional there. Beyond that we have to wait to see if we vote yes then and change the zone to R2 in the meantime then the school and the buyer has their own separate timeline. I presume that if the developer was against R2 or they wanted R3 someone would be at council discussing this promoting the idea that we are being too restrictive.

Mr. Loch asked if a developer could put in R1 qualifying homes in an R2, R3 or even in an Institutional zone, correct?

Mr. Brady said they could from a lot size but could not make it multi-family.

Mr. Lock asked if a prospective interested party, developer, attend last week's meeting? There have been some leaks regarding about 33 homes that was brought to his attention.

Mr. Albrecht said that nothing has been officially submitted to Council or the Planning Committee.

Ms. Holbrook said that we have not received any formal submittal. The transaction between the school district and the potential buyer is separate from this action here.

Mr. Loch feels that it would be of interest to know if an R2 designation is pleasing to the prospective purchaser of the property?

Ms. Brewer replied that council does not have the answer to that.

Mr. Albrecht said that we would like to see that property stay residential and that is the whole purpose of this and believes that R2 is the best use of the property at this time.

Mr. Loch also asked about how the Civil Engineering aspects of this, such as Storm Water on permeable soil, who will look after this for the city?

Ms. Holbrook said when and if we get a submittal, that package will include site plans, grading and erosion control. Our city engineer and building department, Water, Waste Water and all of the staff will sit down and review the plans. It will be under the review of the city engineer that that the plans comply.

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Mr. Minniear asked if there was anyone else that was in opposition or as a proponent? No additional persons approached. Mr. Minniear speaking as Law Director and for the City of Milford, proponent, respectfully requested that council authorize the Law Director to prepare and read for the next council meeting an Ordinance Authorizing the Rezoning of the property pursuant to the staff recommendation. At this point, if no other opposition or proponents, a motion was needed to close the Public Hearing. Ms. Brewer made the motion to close the Public Hearing. Seconded by Ms. Evans. All voted yes. Mr. Minniear also requested a motion for the Law Director to prepare an Ordinance for the next council meeting. Mr. Brady made the motion. Seconded by Ms. Evans. All voted yes.

Proceedings: Approve the proceedings from the April 17th Special City Council meeting. Ms. Brewer made a motion to approve the proceedings. Seconded by Mr. Brady. All voted yes. April 17th Regular City Council meeting. Ms. Brewer made a motion to approve the proceedings. Seconded by Mr. Brady. All voted yes

Correspondence: None

Financial Statements: None at this time

Public Comments: Ms. Charlene Hinnners wanted to thank Mr. Doss for the great job at making Garfield Park look so nice. Ms. Hinnners wanted to also mention that tomorrow is National Day of Prayer. It will also be celebrated tomorrow evening at River Hills Church located on Price Road.

Standing Committee Reports:

Public Services Meeting –
Public Services Committee Meeting Minutes April 25, 2018
Called to Order: 8:00am by Vice-Mayor, Amy Brewer
Present: Vice-Mayor Amy Brewer; Mayor Fred Albrecht, Council Member Kim Chamberland
Staff: Michael Doss, City Manager; Nate Clayton, Public Works Director; Lori Pegg, Community Services Manager.
FY 2019 ODOT Urban Paving Program Mr. Doss has been contacted by ODOT for participation in their 2019 Urban Paving Program for the 2019 fiscal year. This project will entail the paving of SR 126 from the bridge to the corporation line. The program is an 80/20 split, with 80% of the cost covered by ODOT and 20% covered by the City. The City has to cover the costs for any additional work that needs to be done including guardrail replacement, curbs and repairs that may need to be done to the surface once it is milled. So, the cost to the City could become a 50/50 split. The City has participated in these programs in the past and they turned out great. ODOT is gathering the information now and will bid the jobs out late fall or early winter for completion in 2019. **The Committee agreed to draft an Ordinance authorizing the City of Milford to participate in the Ohio Department of Transportation 2019 Urban Paving Program for State Route 126 between both corporation limits. (PID Project 101419) Seconded by Ms. Chamberland. All voted yes.**
Filter Media Replacement Bids The City received two bids for the Air Stripper Media Replacement project at the water plant, one from Danis for \$82,130 and the other for \$95,723 from Christensen. This media needs to be replaced every three to four years and it is due for replacement. \$89,000 was originally budgeted for the project. Mr. Clayton recommends that we go with Danis with the lowest and best bid of \$82,130. **The Committee agreed to draft an Ordinance authorizing the City Manager to enter into an agreement with the Danis Industrial Construction Company for Air Stripper Media Replacement in the amount of \$82,130. Seconded by Ms. Chamberland. All voted yes.**
Wallace Grove Storm Lining Mr. Clayton presented information on a storm sewer in Wallace Grove that is failing and causing a sink hole between the sidewalk and a residential yard and extends out into the center of the cul-de-sac and could potentially cause a sink hole in the road. The line is still in good condition, but the joints are showing signs of failure so it is a good candidate for lining. Mr. Clayton obtained three quotes for the lining: CME Services in the amount of \$19,750, Insituform in the amount of \$25,050 and Miller Pipeline in the amount of \$15,285. Mr. Clayton mentioned that there is a big difference among the bids because some companies have better technology than others. He recommended going with Miller Pipeline. **The Committee agreed to draft an Ordinance authorizing the City Manager to enter into an agreement with Miller Pipeline in the amount of \$15,285 for Wallace Grove stormwater lining. Seconded by Ms. Chamberland. All voted yes.** There being no other business, the meeting was adjourned at 8:30am.

City Manager’s Report:
MEMORANDUM TO: City Council CC: Mike Minniear, Law Director Jackie Bain, Administrative Assistant/Clerk
FROM: City Manager DATE: May 2, 2018
RE: Manager’s Report
CITY MANAGER
OPWC Grants Update – The City received official notification of Ohio Public Works Commission funds in the amount of \$116,950 for the SR 126 Landslip Improvements project and \$194,539 for the Price Road Landslip Improvements project. Over the past couple of years, the City has received \$512,479 in OPWC infrastructure grant funds for street, storm water and sanitary sewer projects. Public Works Facility –Garfield Park will be opening up in the coming weeks after base gravel is placed in the new parking area. The temporary fence will be moved and picnic tables placed back under the shelter. DER Construction finished the roof and is currently pouring the interior concrete slabs for the floor this week. City Landscape Beautification – Contractor will begin flower pot placements and floral landscape installations in early May for the spring/summer seasons. Public Works crews started mowing and trimming city owned properties last week. Team Building Exercise – The City will host the second team building exercise for all

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city employees tomorrow at City Hall. The team building exercise will focus on CPR/First Aid training and certification. PUBLIC WORKS Riverside Park Shelter and Walking Path – Kleingers has completed a draft of the walking path. Clermont County is issuing shelter construction documents to bid this month. Shelter construction is expected to begin after the Frontier Days Festival is completed. SR 28/ Main Street Resurfacing (Downtown Corridor Phase 1)–Paving is complete. They will be complete with striping May 3 or 4th (weather permitting) and guardrail by May 15, 2018. The Street print crosswalk will be completed at the end of May. Garfield Storm Sewer Improvements– DER was awarded the contract to install new storm sewer across Garfield to Bay Road. Work is scheduled to start in May 2018. This project will require a street closure of Garfield Ave for five consecutive days. Public Works will provide advanced notifications on the street closure once a date has been determined by the City and contractor. **Laurel Storm Update** - There is an issue with the proposed detention pond at the corner of Gatch on Valley View as there are restrictions on modifications to the property. The original plan to build a detention pond at the corner of Gatch and Hickory is not possible based on the Clean Ohio Fund Grant information provided by Valley View. The City is exploring if there are other solutions pertaining to new technology that does not require an outfall, such as an underground Drywell or Bio retention system at Oak Street (which typically also needs an outfall). The City Engineer is investigating directing the outfall to Mill Street which will require upsizing the existing storm that exists at the end of Mound Avenue, or potentially a detention pond at the end of Laurel Avenue. The outfall solution will need to be explored further but may require bio-retention or additional drywells. **STANDING COMMITTEE MEETINGS None at this time REMINDERS** April 30-May 25 registration for Bikes in Bloom, bikes to be in place by Tuesday, May 29thMay 12th 10 am-4 pm Makers Market at Milford/Main (49 vendors and live music performances starting at 11:30 am and 2:00 pm)May 12th 6-8 pm Second Saturday Music Series on Sycamore Street, featuring Sean Riley

Police department report:

Monthly Report-April 2018 This report summarizes the various activities and functions of the Milford Police Department during the month of April 2018. **TRAINING** • The Annual Sergeant’s In-service Training was held on April 13th. All sworn officers completed the Procedural Justice course through the Police One Academy. • Sergeant Kibby, Sergeant Belcher, Officer Mell, Officer Wilson, and Officer Green all completed 32-hours of Crisis Intervention training. • Assistant Chief Mahan completed 40-hours of Internal Affairs training at the Cincinnati Police Academy. • Chief Mills attended a Workplace Violence seminar at the Greater Cincinnati Safety Council. • Chief Mills attended the annual Ohio Association of Chiefs’ of Police Annual In-service Training in Columbus. **NOTABLE OCCURRENCES** • Four suspects were arrested on April 3rd for committing a robbery at the Verizon Store on Chamber Drive. Four thefts from vehicle reports were forwarded to investigations. Two occurred in close timeframe of one another between River’s Edge and Finley Ray Dr. One in South Milford and the other at 716 Main St. All investigations are still pending. Monthly Report-April 2018 **ADMINISTRATIVE** • Our triennial CALEA Accreditation on-site assessment was from April 2nd through the 4th. There were no major issues found. • Assistant Chief Mahan conducted an administrative review into our response to an auto accident with an alleged impaired driver. • A citizen complaint of police harassment was received and assigned to Assistant Chief Mahan. • A low-level use of force was necessary to subdue a military veteran who suffered a PTSD panic attack and assaulted the officers who were attempting to assist him. The officers’ actions were investigated by Sergeant Kibby and found to be within policy. **COMMUNITY RELATIONS** An IRS scam alert was posted on the Police departments Facebook page. Pictures of Officer Dennis taking time out of her patrol duties to engage with the youths at Oakbrook Apartments also posted. Nixel advisory was also posted regarding the phone system being down and the weather sirens being tested. Also attended along with Assistant Chief Sean Mahan and many of the council members, the MMTCC Dinner of Excellence event.

Fire and EMS Report: None at this time

Public Comments: Martha Kleinfelter commented that her property is the one with the sink hole. She wanted to thank the city for all they have done. They have taken concern and have taken care of it. And they still come down to check on it so that it is not forgotten. She appreciates Mr. Clayton doing this and he is doing a great job!

Mr. Bixler - running for Clermont County Commissioners position. Thanked council for nominating the Kingdom Warriors at the Salute to Leaders event. He would like to take his life experiences to the county level and hopefully become a partner with this council and some of the other townships.

Council Comments: Ms. Evans asked why the one lane is not paved on the SR 29 Pavement Project? She understands that they are going to wait to pave Brooklyn Avenue, but is it Clermont County that is going to pave this and do they have a timeline on this project?

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Mr. Doss said that Clermont County has put this as part of a larger project due to all of the water issues that we have had in the last year. They have added to another of their projects and they intend to work on the project this summer. To have it ripped back up and waste tax payer’s dollars, we have worked it out with them that once they have finished the issues on Brooklyn Avenue that they will go ahead and pave then.

Ms. Evans also asked about the crosswalks by Lehr's on SR 28. Are we working on a crosswalk there and are we going to have crosswalk lights there?

Mr. Doss said that the stamping portion of the crosswalk section will be done closer to the Kroger location. As far as the lighting, the conduit will be installed there and we are in the process of obtaining quotes for the decorative lighting but no crosswalk lighting.

Mr. Albrecht also wanted to comment that the Salute to Leaders event was fun and that they did a good job in nominating the Kingdom Warriors.

Ms. Brewer made a motion to adjourn to Executive Session pursuant to section 3.052 of the city charter to discuss the purchase of property for city purposes. Ms. Evans seconded the motion. All voted yes.

New Business:

Mr. Minniear asked if Mr. Partee would please approach the podium prior to him reading the Resolution recognizing the Ohio Scenic Rivers Act. Mr. Partee thanked the Mayor and Council for allowing him to speak tonight. It has been a number of years to preserve and protect the beautiful asset that belongs to the city. He also wanted to thank Mr. Mike Freemont who was also a big part of getting the act to pass and help protect the Little Miami river 50 years ago. Mr. M. Freemont also holds the World record for his age group (96 years) in the marathon, 1/2 marathon and last week for the mile and 800-meter race. Mayor Albrecht presented Mr. Partee a copy of the Resolution after it's reading.

Ordinances and Resolutions

- 18-607

A Resolution Recognizing the Ohio Scenic Rivers Act

Ms. Brewer made a motion to adopt. Mr. Brady seconded the motion. All voted yes.
- 18-1364

An Ordinance Authorizing Participation in The Ohio Department of Transportation 2019 Urban Paving Program for State Route 126

Ms. Brewer made a motion to suspend the rules and read by title only. Seconded by Mr. Brady. All voted yes. Ms. Brewer made a motion to adopt. Mr. Brady seconded the motion. All voted yes.
- 18-1365

An Ordinance Authorizing an Agreement with Danis Industrial Construction Company for The Water Plant Air Stripper Media Replacement Project

Ms. Brewer made a motion to suspend the rules and read by title only. Seconded by Mr. Brady. All voted yes. Ms. Brewer made a motion to adopt. Mr. Brady seconded the motion. All voted yes.
- 18-1366

An Ordinance Authorizing an Agreement with Miller Pipeline for Wallace Grove Storm Sewer Lining

Ms. Brewer made a motion to suspend the rules and read by title only. Seconded by Mr. Brady. All voted yes. Ms. Brewer made a motion to adopt. Mr. Brady seconded the motion. All voted yes.
- 18-1367

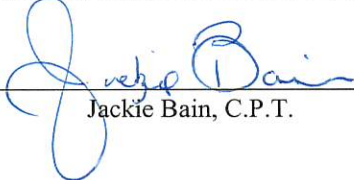
An Ordinance Amending Appropriations Ordinance No. 17-1321 & 18-1363

Ms. Brewer made a motion to adopt. Mr. Brady seconded the motion. All voted yes.


Old Business:

Adjourn:

Executive Session was adjourned at 8:37pm with a Motion from Ms. Evans; seconded by Ms. Russell. All voted yes. There being no further business to come before the City Council; Mayor Albrecht adjourned the meeting at 8:40 p.m. with a motion from Ms. Evans; Seconded by Ms. Russell. All voted yes.



Jackie Bain, C.P.T.



Fred Albrecht, Mayor