

RECORD OF PROCEEDINGS

Minutes of

Regular Meeting

Meeting

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

Held April 6, 2021 20

The Council of the City of Milford met in Council Chambers at 745 Center Street at 7:00pm on April 6, 2021.

Mayor Vilardo called the meeting to order with the Pledge of Allegiance and a Moment of Silence

Roll Call: Present: Mayor Vilardo, Vice Mayor Lisa Evans, Sandy Russell, Kyle Mitchell, Benjamin Redman, Kim Chamberland and Ted Haskins. Also present was City Manager, Michael Doss and Law Director Mike Minniear. The public was able to view via Facebook live and via ICRC TV broadcast. YouTube Viewing Link: <https://www.icrcvtv.com/video/milford-city-council-3221> LIVE to the City of Milford Facebook page and on cable TV, Spectrum channel 17 and Cincy Bell channel 847.

Presentation(s): Swearing in of New Police Officer – Tanner Williams Law Director Mike Minniear administered the Oath of Office to Tanner Williams. Chief Mills presented Officer Williams with his Milford Police badge once Officer Williams took the required International Association of Chief's of Police Oath of Honor. Chief Mills also presented Officer Williams with The Milford Police Challenge Coin. Chief Mills introduced Chaplain Jeff Wolf who has over 15 years of Law Enforcement experience. This is a volunteer position and he is assisting the Police Department along side Brian Wikoff. Chief Mills also presented Mr. Wolf with a Challenge Coin.

Presentation/Hearing

Formal Letter of Appeal regarding the Road Rivers and Trails Overbuild Project at 118-120 Main Street (s) presented documentation Evidence marked as Exhibit

Law Director Mike Minniear explained the procedures for this type hearing.

The Law Director swore in Emily White and Chief Baird both of whom will be testifying under oath.

Emily White Owner of RRT (the appellant): presented her case regarding the letter sent to Chief Baird of the City of Milford Fire Department. She is here to make a formal appeal to the letter sent by Chief Baird on March 4, 2021. That requires an automatic sprinkler system to the proposed overbuild. Ms. White spoke about the code and how unrealistic it is for any business downtown looking to improve and modernize their space. Ms. White agreed with Chief Baird that a sprinkled world is a safer world, but in this case perfection is the enemy of progress. She asks that either the sprinkler system is unnecessary or it causes an undo hardship by hobbling the future of our business.

Chief Mark Baird with the MCFD (the respondent): prior to presenting his formal remarks Chief Baird stated for the sake of clarity that this is uncomfortable for him as well as the Fire Department in the fact that Mr. White does serve as a member of their Fire Department Board of Trustees. In practical sense he is one of Chief Baird's bosses. Chief Baird also wanted to disclose that the Fire Department is the agent for the City of Milford as it relates to fire and safety codes, including those ordinances that are enacted by City Council. They are the enforcement agency on behalf of the city on a contractual basis as part of the Master Fire/EMS Protection agreement.

Chief Baird presented his case regarding There have been no formal plans submitted for review. They are working completely from a set of informal plans which have been provided (documentation exhibit from Ms. White) and this is the basis of the information that they are working with. The plans point out a basic rough sketch as well as the square footages proposed for the improvement. The fire department's evaluation of this was performed on only the conceptual renderings that they were provide by the owner. In his opinion they were asked for a less than formal opinion, will this be needed. That is the position that they are working from. This was not a set of plans that was submitted by the Building Department, Zoning Department, or the City Staff in general, but informal information.

Fire Marshall Nause completed a review of the information in a matter consistent with the normal plan review process used for all new commercial projects in the city. Fire Marshall Nause discussed his findings with him and he concurred that his determination that among other things, automatic fire sprinklers would be required by the city ordinance for this proposed improvement. Again, less than formal remarks although they put them in writing. They were asked their opinion and they gave their opinion. In his professional opinion, that is different than a formal plan submission. It may or may not change, but we were asked for what did we think and how did we think we were going to come down on this.

After review, Fire Marshall Nause's February 16th letter, to the White's, which detailed his review, they requested a meeting with Fire Marshall Nause and me on March 3, 2021. At that meeting the White's introduced into the discussion, what Ms. White spoke to the portion of the City Ordinance referring to hardship waivers that could be granted by the Fire Chief or the Building Code Official. That page of the City Ordinance has been provided to you by the Clerk. The position of the White's was that the requirement to install an automatic fire sprinkler system makes their project inviable and that they desire a hardship waiver to gain relief from the expense of meeting this requirement. They sided several factors and

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she has already spoken on them. The building age, the street boring required to expand the fire line, their historical preservation desires and other items that would drive up the construction costs.

In a March 24th follow up email, from me, I reiterated to the White's, that he would not grant or support a hardship waiver from the city to release these fire protection requirements by the city. That email has been provided to you. In my professional opinion and doing this for 37 plus years, and a Chief Officer since 1999, for two different communities, and I am a certified fire safety inspector/instructor. I believe, to my core, fire sprinkler systems are the gold standard for fire protection. Having them in place and properly operating is like having your very own fire department inside your home or business, 24/7. Only fire sprinklers can detect and automatically control or extinguish a fire, paving the way for occupants to make a safe escape while also protecting property and valuables. According to the National Fire Protection Association, the leading fire protection advocate organization in the United States compared to properties without automatic extinguishing equipment, the death rate per fire in sprinkler properties is lowered by 80%. And for most property uses, damage per fire is lower by 45 to 70% in sprinkled properties. Flame damage is confined to the room of origin in 94% of fires in sprinkler properties vs. 74% in buildings without extinguishing equipment. These are NFP statistics. Unlike Hollywood movies that falsely portray the operation of automatic fire sprinklers a typical fire is controlled and often extinguished by just one or two operating sprinkler heads. Water damage caused by fire sprinklers is markedly more recoverable than damage caused by fire, smoke and heat and businesses return to normal operation much sooner. One NFP statistic that goes back to the introduction of automatic fire sprinklers is that there is no record of a fire killing three or more people, in completely sprinklered buildings where the system was properly operating except in an explosion or a flash fire or where civilians or firefighters, like me, were killed while engaging in fire suppression activities.

Because fire sprinkler systems are so demonstrably effective, they make a major contribution to the fire protection of any property and any community. In fact, thought not directly related to this matter, the International Residential Building Code, enacted in 2011, added requirements for sprinklers in one or two family homes. What that means that in the future, fire sprinklers will be as common in homes as they are in businesses because of their proven fire life safety benefits. In the 1980's , Milford City Council took a bold step to better protect our city from the ravages of fire. Following in the footsteps of another progressive local city, Blue Ash, by enacting the very same stricter fire protection ordinances. Multiple Commercial buildings have been constructed inside the city since those ordinances were enacted, unthorwted by this requirement. It simply makes the city safer and National Statistics bare it out. As your Fire Chief, one of the many of the things I regularly worry about is losing a city block and multiple lives to fire. My biggest worry of course is losing one of my firefighters or a citizen. Also in that list is the concern I have, like any Chief who has an older downtown district, losing a portion of or block of that community. Potentially losing lives along the way. There is so much mixed use business, residential occupancy in downtown Milford. I cant ignore it. I have to take whatever actions I can on the city's behalf, to try to protect those occupants and try to protect the city.

Over it's history, Milford has had several instances where an entire city block could have been leveled by fire. A recent example is the current 20 Brix site where only fire fighting skill and a few inches of building separation, kept a large fire in the previous building from spreading to others nearby. When considered in the overall context of commercial development, meeting fire and life safety code requirements is a usual, customary and reasonable expectation in new construction, or when performing substantial renovation to an existing aged commercial structure, like this one. It is the cost of doing business. I firmly irritate that the Milford Community Fire Department unbiased professional judgement in this situation. The MCFD like anybody else, want city businesses to thrive as much as anyone because that benefits everyone. And we of course, have done business with RRT through the years as part of our everyday operation. But fire and life safety codes are enacted to protect communities from fire and the stronger requirements adopted years ago by this council clearly make Milford a safer community to work, live and play.

I appreciate the great detail that you put into your presentation. It was very good. Referring to the Street boring that would be required to basically run the fire line water pipe that would run over to the sprinkler system. I am not the expert on the water system but my understanding is that the nearest suitable water main is the one that runs along Main Street. The one that runs along High Street is too small to do the job. I want to point out and there is no arguing that it is a fact that it is an expensive prospect. Again, in commercial construction, boring the street for domestic and fire protection water is a regularly occurring matter. It is costly and there is not arguing it. Not every building is built on the same side of the street where the water main is. It is just the cost of developing that new business. I want to clarify that this is not a isolated situation where this happens. This happens regularly. This concluded my formal remarks at this time.

Rebuttal from the appellant (Emily White):
The reason why we have given you such preliminary plans is because the project stalled. Because of the expenses. The numbers weren't adding up for us. The cost of a formal set of plans is \$90,000. We cant afford to invest that money unless we know that the project is going to move forward. I appreciate Chief Baird even being willing to have that conversation with us when we were informally in the beginning

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stages. When we met with Pam and Michael and the City Officials we were looking for those kinds of setbacks to see what is this going to cost. I live on Walnut Street and we are not independently wealthy. But, we have goals for the future. We want to make our building safer to do these improvements. We cant afford the new roof and retaining wall and all that stuff without somehow increasing sales. And we cannot increase sales without growth.

The building is all steel in a concrete, brick structure. What we are looking at is a very fire safe building. It is not residential. We will not have a kitchen. And it does have an open floor plan. I wanted to reiterate the undo burden. If costs weren't a concern, when we were told that the sprinkler system was going to be \$40,000, we were okay with that. IF we didn't have to try to retro fit the existing building for a sprinkler system, we'd be okay with that. If we could tap into Hight Street and sprinkle the upstairs and the new build, wed be okay with that. It is just that number. The \$146,000, you see the budget. It throws it off way too high. I did a deep dive into sprinkler systems. And there is a reason that only three states, thus far have adopted the sprinkler system code into homes requirements and new builds. Its because of the cost. A lot of the anti-sprinkler sentiment is because it increases the costs so much. If costs weren't an issue then we would be all for a sprinkler system. In full support of it at 100% of what Chief Baird said.

Surrebuttal from the respondent (Chief Mark Baird):
Regarding the statement about residential sprinklers. It is correct. But in the history of code enactment. Smoke detectors, which we take as common place every day. When those were originally introduced into the International Residential Building Code, they too were fought by developers for the same reasons. The costs, if you will. After several additions and states having the opportunity to let things ramp up, those were included into more recent residential building codes. The same way with Carbon Monoxide Detectors now being required. This is no different. The costs of doing sprinkler systems in residential settings is going down. And that is because of the improvements in the cost cutting to make it more affordable. These things take time and we are not really talking about residential. I only use them as a comparison. The professionals believe that fire sprinklers are the answer to a lot of the fire safety issues that exist currently and historically.

Council Questions to appellant:
Kim Chamberland asked for some clarification on something that Ms. White said. If High Street was available, you would be able to do just the second floor.
Ms. White replied, no, we would be able to do both floors. The bottom floor is the majority of the expense. We would still have the expense of the lower floor it would save us the \$30,000 TETA/water tap in fee.

Ben Redman asked Ms. White if she was possibly open to a compromise? If she was to only do a sprinkler system in the new part, but it really only the main historic part where the cost is. Ms. White said that is correct.

Council Questions to respondent:
Ted Haskins asked Chief Baird if anyone in his experience ever qualified for a Hardship? Or what would the qualifications be for a hardship?

Chief Baird replied that he has never given one in his life. And if you were to speak to the Chief Building Official he would probably say exactly the same thing. It is usually reserved for bodies like this to ultimately decide. I cannot speak for Mr. Young from the building department but I am going to guess that it is probably not something he has done very much in his career, if at all.

Amy Vilardo asked Chief Baird if there was any way to meet them in the middle? Is there any negotiating on sprinkling just the new part?

Chief Baird said that he is in charge to enforce the ordinances as they are written. I cannot bend the ordinances without council being the authority to do that.

Amy Vilardo stated that the ordinances are written based on your expert opinion. The ordinance is designed based on what the fire requirements are and what your expert opinion is. We didn't create the ordinance. We sought the advice of an expert. Which would be you. And I respect that. I am not asking you to bend.

Chief Baird said that he was not close minded to anything. I don't feel like I am going to pass on a parking ticket here because I just don't ...I think that should be a call that should be done in conjunction with this body. Me going out there on my own, I just do not believe that is the professional thing to do. Am I flexible? Of course I am flexible.

Amy Vilardo I am only speaking for myself. I would yield my decision based on your recommendation because you are the expert on this. I am listening to you in this case. You are the expert at the end of the day. The responsibility, the liability is all going to be on us based on expert opinion. That is where the struggle is for me.

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Lisa Evans I keep thinking back over the years that I have been on council there were other cases where this has come up. Chief Cooper came up with this super strict code. The State of Ohio we are 24,000 feet and we are like 25,000. Ours is way above and beyond. So any other city, they could do this. I am kind of torn too. I want to be safe. I am all about safety. But I know that we are way above and beyond on the safety factor.

Chief Bair I don't know if its way above and beyond. It is actually 12,000 square feet is the state. And there are other factors that go into that besides the square footage of the building. There is also the number of stories. Below grade stories. But in the end, we are talking about a difference between our 5,000 square foot ordinance and the state code of 12,000 square feet.

Ben Redman Can you explain why the City of Milford took such a stern stance from the rest of the state? If you are saying 12,000, it would be within their legal right according to the State Ordinance, correct? Can you help the council understand what was the emphasis of Milford being even stricter than the Ohio Code?

Chief Baird Many of you know Chief Cooper as I did and I can tell you that Chief Cooper was a huge proponent of fire prevention and life safety inspections well before I got here. I am sure he was a big part of the enactment of those ordinances. Again, they were not just created out of the clear blue sky. They were a copy of another nearby city. My best guess is that he recommended and he felt strongly that for a lot of reasons that I cited, that it was the safer route for this community to have a more strict requirement. The state codes to my knowledge allow municipalities to enact certain things that are stricter than that state requirements. And I don't even know how to react when you bring a Charter Community into it. Generally we can't allow something in the general scope of plans review, not only fire, but building. We cant allow something that is less stringent than whatever the law that is in place is covering that particular issue to occur.

Mayor Vilardo stated that we are not making a decision tonight.

Ms. Evans made a motion to close the hearing. Seconded by Ms. Russell. All yes

Proceedings: Approve the City Council Regular Meeting Proceedings from March 16, 2021 Ms. Evans made a motion to approve Seconded by Ms. Russell All yes

Correspondence: Ohio Division of Liquor Control: New permit for Nation Milford LLC DBA Nation Kitchen & Bar 203 Mill Street Milford Ohio 45150 Ms. Evans made a motion to do nothing Seconded by Mr. Redman All yes

Financial Statements: Adopt the February 2021 Financial Report Ms. Evans made a motion to adopt. Seconded by Ms. Russell All yes

Public Comments:

Mr. Hakim Oliver Cincinnati, Ohio
Spoke about how he will be hosting another community conversation session Building Bridges Program that will start on Monday, April 19, 2021 from 7pm until 8:30pm at City Hall/Council Chambers will be the first session. The sessions will be held every Monday for three Mondays. With the fourth session to be held at Copper Blue restaurant in Milford. Mr. Oliver described the program's sessions. If you would like to join, please register on the City of Milford website and call Jackie Bain at 513-831-4192 to register. Mr. Redman offered to Mr. Oliver to use his facility/Harvest Market, to help with his outreach of this program.

Tina Humphries Milford Ohio
Ms. Humphries spoke about her previous discussion at the August 20, 2020 Council meeting to voice her concerns about the Scenic River Canoe Excursions Company. Also discussions at the March 11, 2021 Public Service Committee meeting. The April 5, 2021, Public Services meeting was also discussed. Ms. Humphries has no issues with the canoe company but asked why this company has been given preferential treatment since they pose such a safety concern for Cleveland. Copies of her meeting notes were distributed to council members.

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Judy Adkins Milford, Ohio
Discussed her conversation regarding buses at a meeting regarding the ton limit. She stated that there was a paper to discuss that was brought up at the meeting. The changes had already been done at that meeting to be brought to this committee.

Mr. Minniear discussed the process for proposed legislation suggestions to be considered.

Ms. Adkins explained how it didn't seem like proposed legislation was up for consideration for a vote but now understands that it was up for discussion and possible recommendation.

Jon Lenihan Milford, Ohio
Commented on the origin of the amendment information with Mr. Minniear. Geographic reference was stated by Mr. Lenihan and the significant increase of commercial bus traffic route by Scenic River Canoe on Roundbottom Road in Hamilton County on South Milford and Cleveland was discussed with council. Their route takes them through the South Milford neighborhood despite a restriction on vehicles of this size and restrictions of using the route as a thoroughfare. Information from the March 11th and April 5th Public Services committee meeting was discussed. He would like to discuss to the attention of full council prior to any votes to an amendment that was drafted. Approving as drafted will present thousands of unnecessary commercial bus trips each spring summer and fall through the South Milford neighborhood when other routes exist that are wider, safer and achieve all the same objectives for the transport of a Scenic River Canoe client. Mr. Lenihan wanted to make this clear that this is not about targeting a business or trying to make their business difficult, it is just about asking their business to comply with the same rules and regulations and not cut through South Milford. Mr. Lenihan also discussed safety incidences on Cleveland. He would like to make it clear that there has been significant opposition to the unnecessarily unessistity of amending the city's laws in order to permit this type of dangerous and unnecessary traffic. 5671 S. Milford Road was discussed regarding the various neighborhood meetings and spoke publicly against the proposed development plan that SEM put forward. He did not know that a year or so after, the decision would come before the Board of Zoning Appeals. He happened to be sitting on the BZA at that time and because he knew that he had made public statements against the development he voluntarily recused himself from deliberating and voting on such matter to eliminate any perception of conflict of interest. He asked that the Mayor recuse herself from a vote of this matter because she has demonstrated a personal bias on March 11th and on numerous occasions.

Scott Humphries Milford Ohio
Stressed the safety of the canoe company in regards to traffic on Cleveland Avenue and South Milford Rd. According to the National Association of City Transportation officials was discussed and Mr. Humphries also mentioned the proposed alternate routes. The Police and Fire Chiefs are concerned with our safety, why can't council be more concerned with their safety? He also stated to the canoe representatives in attendance that he has no problem with his business. We are just asking for an alternate route that doesn't put everyone on that street safety at risk.

Ryan Merkle Owner of Scenic River Canoe Excursions 4575 Mt. Carmel Road
He appreciates everyone's concern and would like to be as helpful as possible. He did try out the proposed alternate routes and do turn out to be quite a bit further than a couple of minutes one way. As far as the safety is concerned, there was a lot of traffic last year due to Covid-19 restrictions. This year you will see immediately 50% less traffic from both his big and his small buses. He was intending to compromise proposing just going one way with his traffic and coming back the longer route. He stressed that he makes safety a priority with his drivers.

Standing Committee Report:
Safety Services Committee

Safety Services Committee Meeting Minutes April 5, 2021
Called to Order: 4:35 pm by Kyle Mitchell
Present: Ben Redman and Kyle Mitchell Lisa Evans was excused All yes Staff: City Manager-Michael Doss and Administrative Assistant- Jackie Bain Visitors: Ms. Robin Baliszewski /McCormick Trail Milford Ohio and Mr. Scott Humphries Milford Ohio
Proceedings: Mr. Mitchell made a motion to approve the proceedings from the January 27, 2021 Safety Services Committee Minutes Mr. Redman seconded the motion All yes
AN ORDINANCE AMENDING SECTION 351.17 OF THE CODIFIED ORDINANCES OF THE CITY OF MILFORD REGARDING PARKING AND STORAGE OF VEHICLES
Mr. Doss presented information regarding RV parking. The city put out a survey to the residents/citizens for feedback which has been shared with the committee. Mr. Mitchell and Ms. Evans also did some research as well and reported their findings back to the committee. This is a culmination of those discussions and feedback from the survey. This proposed ordinance addresses RV Parking and increases the weight to 14,000 pounds. Ms. Robin Baliszewski /McCormick Trail Milford Ohio Spoke to the committee regarding the size of the vehicles to be stored on residential property. Her issue that she raised was the height requirement for a RV vehicle. This has not been addressed. And what type of fencing that would be put up.

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Mr. Redman stated that we need to come back to committee based on this ordinance as it is written right now since it needs to address height clarifications. And the decision we make will affect the entire city. We have only had two complaints within the city. Most RV's are under 14,000 pounds. Anything over this weight must be completely enclosed or have an accessory building. Ms. Baliszewski would like an ordinance that states if an RV is taller than 8 feet then it is required to be in an enclosed structure. Mr. Mitchell made a motion to table the ordinance for further discussion with the Law Director regarding an Ordinance Amending Section 351.17 of The Codified Ordinances of The City of Milford Regarding Parking and Storage of Vehicles Seconded by Mr. Redman All yes RESOLUTION ELIMINATING THE STATE OF EMERGENCY IN THE CITY OF MILFORD DUE TO THE CORONAVIRUS DISEASE OUTBREAK Mr. Doss presented information for Resolution 20-620 to be resolved by Council for the State of Emergency to be removed since special authority is no longer necessary within the municipality based on the advancement of Covid-19 vaccinations, social distancing, mask wearing and increasing herd immunity. This would also provide us the ability to receive Federal funds in case of a FEMA disaster/local state of emergency. *The Committee Agreed to Make a Recommendation Authorizing the Law Director to Draft a Resolution Eliminating the State of Emergency in The City of Milford Due to The Coronavirus Disease Outbreak* Seconded by Mr. Mitchell All yes Mr. Redman would like to review at the next Safety Services Committee meeting the crosswalk situation that was brought up at the last City Council meeting regarding the crosswalk at Ohio SR126/US Route 50. There being no additional business Mr. Mitchell made a motion to adjourn the meeting at 4:55pm Seconded by Mr. Redman All yes Respectfully submitted, Jackie Bain, Administrative Assistant

Public Services Committee

Public Services Committee Meeting Minutes April 5, 2021

Kim Chamberland called the meeting to order at 5:00pm. Present: Kim Chamberland and Ted Haskins, Amy Vilardo Staff: City Manager Michael Doss; Finance Director Pat Wirthlin and Administrative Assistant Jackie Bain Visitors: Jon Lenihan, Tina and Scott Humphries and Judy Adkins Proceedings: Approved the proceedings from the March 11, 2021 Public Services Committee Minutes. All yes AN ORDINANCE AMENDING SECTION 339.02 OF THE CODIFIED ORDINANCES OF THE CITY OF MILFORD REGARDING USE OF LOCAL STREETS Ms. Chamberland presented information to the committee for the discussion of the proposed ordinance 2021-81. There was discussion regarding operating a vehicle exceeding a size specified in section 339.03 or exceeding a gross vehicle weight rating (gvwr) of 14,000 pounds upon any street in the City other than a State route, except those local streets designated as a truck route and marked as such by appropriate signage indicating "No Thru Trucks." Mr. Jon Lenihan discussed that busses whether they be yellow or blue, commercial or school still exceed 14,000 pounds. Additional information in the regarding the proposed ordinance was also discussed in length including trucks, metro busses, and being consistent. The safety of the Scenic River Canoe busses was discussed. They have been using that route since 1999. And there have been no accidents involving their buses since 2017 (two incidents). More discussion regarding the safety concerns on Cleveland Avenue followed. Along with the policies that will apply to the City of Milford and not just one or two streets. Tina Humphries-Cleveland Ave Milford Ohio Discussed how this has to do with Scenic Bus Canoes and previous discussions at meetings. Scott Humphries-Cleveland Ave Milford Ohio He wanted to point out that not only is this a legal issue but also a safety issue to be cutting thru and there are signs posted stating a 5-ton limit/No Thru Trucks. The Scenic River Busses travel every 8-10 minutes on Cleveland for 6-8 months out of the year. The alternate route thru Chamber Drive was discussed. Mr. Humphries had copies of the web addresses for his statistics which he handed out to each committee member. Mr. Doss discussed how the ordinance only allows the additional pounds for vehicles dropping off and delivering and conducting business within the city. It does define the school busses as exempt and also busses as being exempt. The Ordinance is still not allowing those commercial trucks to go through that area. It is only carving out and defining school busses and busses. Ms. Chamberland added that this is an ordinance across the board. Cleveland Avenue is a thru street that connects Round Bottom to Milford. Judy Adkins Hickory Street Milford Ohio brought to the committee's attention how the heavy trucks and busses will erode the roads over time. Mr. Haskins would like to move forward and at least take this to council for debate and discussion. Ms. Vilardo agreed with Mr. Haskins. We have an ordinance before us to go before council. Ms. Chamberland agreed and read the following to be discussed with council at tomorrow's City Council meeting (April 6, 2021): *The Committee Agreed to Recommend that the Law Director Draft an Ordinance Amending Section 339.02 Of the Codified Ordinances of The City of Milford Regarding Use of Local Streets Seconded for discussion by Ms. Vilardo All yes Ms. Chamberland stated that this should be a Discussion started as Council of the Whole. And we all vote on this. Because it affects the entire city. Mr. Haskins led the discussion by stating that in his opinion the signs and the ordinances on Cleveland, and although the wording was a little different and a little off, we were trying to reduce the large type vehicles that weighed over 5 tons that come down that street. Maybe there was a better options for those trucks or buses to go. There are pros and cons both. Through these discussions we try to find better ways and in the end I am against the current ordinance that will come before us tonight. It is just a matter of big vehicles over a certain tonnage needing a better way to go. It would be bad for the streets, the taxpayers that live on those streets, and bad for South Milford. I think that there are better options moving forward. Ms. Chamberland stated that these decisions do not come lightly. She has spent hours looking up buses safety as well as driving around our city listening to concerns. We can't discriminate against a company nor can we legislate in favor of a company. We cant make ordinances for one neighborhood or one street either. All*

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decisions that we make affect the entire city. Ms. Chamberland asked Mr. Minniear to clarify some things. As our existing ordinance is written, can a school bus, church bus, metro bus, shuttle bus, was picking up or delivering passengers, anywhere in the city, using a non-truck route, would this be okay without changing our ordinance as it is written now? Mr. Minniear replied, No. Only school buses would be permitted. Ms. Evans asked then a church bus could not deliver people to Valley View for a hike? Mr. Minniear stated that a church bus is the same as a school bus. A Metro bus would not. Ms. Chamberland asked if a full size bus wanted to go to Valley View, taking a group of Garden Club women, and they were using a non-thru truck street, because they are using a business in Milford/destination, would they be allowed to do that without changing our ordinance. Ms. Vilardo added that they are not stopping to pick up or drop off on Cleveland. Ms. Chamberland said, right, but they are not going to a business. Mr. Minniear said that his interpretation is that they would be permitted. Ms. Evans said then everything is permitted at SEM? Mr. Minniear said that would be the only way they could get to SEM. Mr. Haskins said that his hang-up was the concept of the cut-through. To him it's fine if a bus wants to drop someone off of the school bus. UPS, the garbage truck. They come into the city to do business. They pick up, drop and and they leave. That's fine. Where in this case it was all about cutting through the city of Milford. We are not saying you cannot cut through the city of Milford. There is just a better route. It's safer and for all the other reasons. Ms. Evans asked if Scenic River would decide to do again, short trips, where they drop people off at Terrell Park, to do the short trip down the river, under our current ordinance, they would be allowed to do that, because they are doing business in the city, is that correct? Mr. Minniear asked, if they cut through Cleveland? Ms. Evans said, yes. Mr. Minniear stated that under the current ordinance they would not. And that is why we are changing it. Ms. Evans said that part of our issue was that they are cutting through the city and not doing business in the city. But if they run routes again to Terrell Park, would they be allowed to come down Cleveland to drop people off at Terrell Park, which is in the city? Mr. Minniear stated that there is a difference between using Mound or Cleveland. They are going to get the majority of that kind of traffic. Mound St. is going to handle the traffic from the people going to the SEM Laurel. The other SEM, Cleveland Ave. will get that traffic. It wasn't clear to me because I was always coming up to have it interpreted the ordinance as it existed before. In his view, the Scenic River Excursion was using it as a thru traffic because they were going from Terrell Park to their place of business and they weren't stopping along the way. That is why I drafted the ordinance the way it is, to permit them to do that. Ms. Vilardo asked if they stop at Terrell Park, is that different? Ms. Evans said that typically they would leave Scenic River, and go out 126 to the Winter Club area and drop off. They did not make any stops in the city of Milford. Previously, they would do some short trips, tubeing trips where they would drop off people at Terrell Park in the city of Milford. Does this make a difference in any of this? Because technically, they are doing business in the city. Mr. Minniear said that is why he is changing it. Because it wasn't clear. You can argue that Scenic River is using that as a pass through, which is not permitted. Or you can argue that we interpret it in such a way that as you just pointed out. They are using Terrell Park. Ms. Evans said, sometime. Mr. Minniear said that this is why everybody is confused. Ms. Vilardo keeps coming back to a bus is a bus. Pattison Elementary buses are allowed to come through Cleveland. Not every single bus is stopping and opening doors. Some are picking up in Clertoma, East Milford and up 131. They are still coming through, not opening their doors but just coming through to get to the school. And then you have other school systems that are coming through transporting teams, volleyball, basketball, what have you, that are coming through Anderson, Turpin, that would traverse through. Are those buses now not allowed to come through on our street? Are we saying, that the only bus, school bus, that is allowed to go on our street, is a bus that is going to Pattison Elementary? Ms. Chamberland stated that this is why I want to have this discussion. That is why I am asking about a bus. If one goes to Valley View or an athletic team and they are heading to the park on Garfield... Mr. Minniear said that his distinction is, pardon me, a bus operated noncommercial, like a school bus, church bus and a commercial bus. That is the distinction that I think can be legally make the difference. What we are doing tonight is to make clear what council is being asked to do by this ordinance, if you pass it, is to make that distinction so that I know and the Police department knows that commercial buses are allowed to go through South Milford. Ms. Chamberland said, or any no-thru truck areas in the city. It is not just for South Milford. We are voting for any street in the city of Milford that would be no thru trucks. Ms. Vilardo said that we cannot just arbitrarily make an ordinance just for the benefit of Cleveland Avenue. We have to think about all the other streets. Mr. Redman said that in the ordinance it is about signage too. When there is a sign that says no thru trucks. Ms. Vilardo said that is for a truck and not a bus. Mr. Redman said that is right. There is a big difference between school buses and a commercial business. What he is hearing from the citizens is that they are concerned about hundreds of trips a day. A school bus will never do a hundred trips a day even with sport teams. There will never be that much frequency. That is where we are debating right now. It is the commercial nature. And I think there is a difference between buses. A commercial bus, school or church bus or garden club bus. Mr. Minniear said that the city has the ability to post No Thru Trucks any place in the city. That is the city's ability to do that. This predates all of you sitting up there, but we had an issue with Evans using that as a pass through with their dump trucks. That's commercial. It is not a bus, but it is a commercial dump truck. They are not allowed to do that. We have to make a distinction in his view and I will argue this as long as I can, that school buses and not commercial buses, which are carrying children or people going to church, etc. etc. etc. can use any street in Milford, that they want. WE have to decide whether we are going to all commercial buses. And if we don't want a commercial bus on a certain street, then we can decide to put No Thru streets there. Mr. Redman stated that as the proposed ordinance is written now, it is exempting commercial buses currently? School buses as defined by Section

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301.35 and buses defined by that as well, are exempt. Mr. Minniear said that the way it is written and that definition, the latter definition refers to, that means all buses. Commercial and noncommercial. That is my interpretation and distinction. Mr. Redman said that is where we are getting to the nitty gritty. Defining the commercial buses vs. all buses in an ordinance. Mr. Minniear stated that if the new ordinance passes, then all buses, of any kind description, commercial, non-commercial, that fit those definitions will be allowed in any street in the city. We can't regulate State routes. Ms. Vilardo said, not a Metro Bus. Mr. Minniear said it is a bus. Ms. Chamberland said that with buses we definitely need the distinction between commercial and noncommercial. I agree with all the safety concerns and with all the traffic increase and I think we need a distinction. For me I am not for the way that this ordinance is amending. Ms. Vilardo said that when this is read, you can vote accordingly. Mr. Minniear said that we cannot carve out a special exemption for Cleveland Avenue or Mound Avenue or Laurel, Center or Forest or whatever street you want pick in the city of Milford. We cannot carve out a special exemption. Whatever we do this evening is going to have to apply to all streets equally. It we are talking about narrowing down to the nitty gritty as to what kind of buses we are going to allow and to what kind of buses we are not. Mr. Redman stated that we need to further separate out buses from other buses. Mr. Minniear asked if CART buses run to SEMs? Ms. Vilardo answered that yes, they do. Mr. Minniear asked if CART buses are commercial? Ms. Vilardo answered yes. Ms. Chamberland said that in the new ordinance it says...no person shall operate a vehicle exceeding the size specified in Section 339.03 exceeding a gross vehicle weight of 14,000 pounds upon any street in the city other than the state route. Those local streets designated as a truck route marked as such by appropriate signage indicating that no thru trucks. Drivers of such vehicles may deliver, pick up goods or property not located on such designated routes, may provide services or visit commercial establishments for the purpose of eating, refueling, conducting other necessary business provided no such commercial establishment provides adequate off street parking to accommodate such vehicles. I see that as a CART bus providing a service. Mr. Minniear agrees. Evans Landscaping, even if they are delivering a dump truck full of mulch to someone on Cleveland Avenue and even though it says no thru streets, no trucks over 14,000 are permitted to traffic use Cleveland to deliver that mulch. They are not allowed to go from their place, across the river, Terrace Park and come up thru Cleveland to deliver a load of mulch to his office. That's the difference. I changed the language to that to make that clearer than before. Ms. Chamberland thinks that clearer language sounds great. I just have issues with the bus part. Mr. Minniear said he understands but that is why he had to put the last part in there. School buses are more than 14,000 pounds gross vehicle weight. But what could be more beneficial to the community than having their kids picked up at some very convenient place in front of someone house? I personally do not want my children walking from the top of Cleveland Avenue to Main Street so the buses can pick them up. It's Ludacris. Ms. Russell said that she lives in South Milford. I live on Laurel. 55 Laurel Avenue. I lived on South Milford for two years. Two doors down from Mr. Lenihan. I have lived in my current house for 15 years. Cleveland avenue has always been an thoroughfare. A main street with traffic going through continuously. As a matter of fact we have even had the Police Department put up double stop signs to stop the traffic going through to slow people down. We have even put in bumps to slow the traffic down. I have seen the buses come through from the canoe company and I have never had an issue with the canoe place coming through the neighborhood. They have always been respectful. They don't speed. As a matter of fact, when there was an issue and they thought there was going to be a speeding problem, the owner of the company came and he sat there to observe to see for himself if they were speeding and address that situation. I appreciated him being proactive. He is again being proactive with trying to decrease his trips. He is trying to work with us so that he can maintain his business and operate his business. I don't know what more the man can do to accommodate our neighborhood. The fact that we live on a very busy street. We have signs that state twenty five miles an hour. I am sure that they are close to that, maybe thirty. I have not had an issue with it. I am sorry and I appreciate everyone's opinion and their thoughts. I have lived there for a long time and I have not had any issues. Ms. Chamberland continued reading the minutes from the April 5, 2021 Public Services Committee meeting: Mr. Doss brought to the committee's attention how the High Street Storm project will have to go out for bid. His intention is to speak to Mr. Ditchen and where we go from there as far as any cost sharing. This project will exceed \$40,000. Ms. Chamberland spoke about Ms. Rebecca Geiger who just gave us a plug on WVXU 91.7 for all that we have done to make pedestrian crossing safe in the city. There being no further business, the meeting adjourned at 5:42pm with a motion from Mr. Haskins. Seconded by Ms. Vilardo All agreed Respectfully submitted, Jackie Bain, Administrative Assistant

City Manager Report

MEMORANDUM TO: City Council cc: Mike Minniear, Law Director Jackie Bain, Administrative Assistant/Clerk from: City Manager date: April 6, 2021RE: Manager's Report American Rescue Act Funds – According to The National League of Cities, Milford Is Expected to Receive Approximately \$1.34 Million In Funds. These Funds Can Be Used for Infrastructure Improvements (Water & Sewer), Offset Revenue Losses Impacted by The COVID 19 Pandemic, And Assist with Broadband Services. The Federal Government Is in The Process of Finalizing Guidelines for The Funds. The City Should Expect to Receive Funds in May. Municipal Parking Lot and Outdoor Dining Area Reconfiguration – The City Now Provides Public Parking for The Two Lots Located on The Old Park National Bank Property Located At 25 Main Street. The Outdoor Dining Area Has Been Reconfigured and Relocated Between Both Parking Lot Areas. Spring Cleaning Items – Louiso's Lawncare Will Begin Landscaping and Flower Plantings Later This Week. The City's Tree Rebate Program Kicked Off April 1 And Will Continue Through October As Funds

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Remain Available. The Small Business Incentive Program for Permanent Interior and Exterior Faade Improvements in Now Active and Accepting Applications. STANDING COMMITTEE Meetings none At This Time reminders April 14 – Planning Commission Meeting At 6:00 Pm April 20 – City Council Meeting At 7:00 Pm April 24 – Community Shred Day From 10:00 Am – 1:00 Pm

Police Department Report

Monthly Report-March 2021 This report summarizes the various activities and functions of the Milford Police Department during the month of March. TRAINING • All sworn members reviewed use of force directives and passed a proficiency test. • All sworn members were requalified on our authorized firearms. • All sworn members reviewed General Order 1.2.5 (Arrest Procedures). • Officer Mell began Supervisor Training Education Program. • Officers Yeary, Wilson, and Dennis completed an 8-hour course on legal updates and tactics. • Det. Kenney attended a training on Crime Scene Investigation & Recreation. • Officer Williams completed New Officer Orientation and was assigned to field training. • Officer Dennis attended HCPA Dive & Recovery Team training. • Officer Yeary attended Clermont Co. S.R.T. training. • Officer Bogan attended 8 hours of Peer Support Training. • Chief Mills attended 8 hours of training on Resiliency Skills for Leaders. NOTABLE OCCURRENCES • Acting Sergeant West took a theft by deception report where the victim was scammed out of \$2,400 in Best Buy gift cards. Victim thought she was buying a vehicle from a service member stationed at Scott AFB in Illinois. • Officer Bogan is working a felony theft case at a retail business. • Disseminating Matter Harmful to a Juvenile: A twelve-year-old female was sending and receiving elicit videos and photographs with a subject believed to be in his early twenties. • Theft of an SSI Debit card: The suspects were known and friends of the victim’s granddaughter. Both suspects are juveniles and have admitted to some of the charges on the card. • A suspicious vehicle complaint on Rivers Edge resulted in the arrest of a suspect for drug possession and OVI. ADMINISTRATIVE • Tanner Williams accepted a police officer position and began on March 22. • Chief Mills began working with I/O Solutions to provide a customized written exam for the upcoming sergeant promotion process. COMMUNITY RELATIONS • Sergeant Lane attended a Kiwanis Club meeting and discussed local outreach initiatives for 2021. • Squad 4 provided a homeless patron at Kroger’s with restitution for food items he consumed after suffering a diabetic emergency inside business, and also provided a meal and contacted family for assistance. • Squad 4 assisted two homeless individuals with transportation to a hotel in Anderson Twp. • Chief Mills completed Undivided, a six-week radical solidarity program. • Chief Mills attended the grand opening of the Tru Hotel. • Officers and MCFD showed support for Kaden, a two-year-old with CHD at the request of his grandmother. Our presence was well received and we were able to give him his own silent parade in front of his Helen Street residence. • MMART resumed with two shifts. • Planning meetings were held for NNO and JPA OUTSIDE MEETINGS AND ASSOCIATIONS • Chief Mahan attended a planning meeting for Frontier Days. • Chief Mills attended the Clermont Safe Communities monthly meeting. • Chief Mills attended the Crisis Intervention Team Advisory Board meeting. • Chief Mills attended a planning meeting for the Amazing Charity Race. • Chief Mills attended a planning meeting for Oktoberfest. • Chief Mills attended a pre-construction meeting regarding traffic signal improvements. • Chiefs Mahan and Mills met with newly elected Prosecutor Tekulve. Kaden’s silent parade

Fire and EMS Report

Chief Baird reported pleased with this year’s Easter Saturday – Easter Bunny on the Fire truck. Comment from Mr. Redman. His family was out at one of the local parks last Saturday and they called in a trash can fire to the fire department. He wanted to extend his deep gratitude and kindness of the officers showing his daughter attention and giving her a red fire hat which she treasures. He wanted to give some acknowledgment on how good you are with the community. Not only did you take care of an issue but you also took time to interact with the children who were there and handed out things to them.

Council Comments

New Business:

Ordinances and Resolutions

- 2021-626 Resolution Eliminating the State of Emergency in the City of Milford Due to The Coronavirus Disease Outbreak Ms. Evans made a motion to adopt. Seconded by Mr. Mitchell. All yes
- 2021-81 An Ordinance Amending Section 339.02 of The Codified Ordinances of The City of Milford Regarding Use of Local Streets Ms. Evans made a motion to suspend the rules and read by title only. Seconded by Mr. Mitchell All yes Ms. Vilardo made a motion to adopt. Seconded by Mr. Mitchell Ms. Evans No Ms. Vilardo Yes Ms. Russell Yes Mr. Mitchell Yes Mr. Haskins No Mr. Redman No Ms. Chamberland No

Old Business: none at this time

Adjourn: There being no further business to come before the City Council; the regular meeting was adjourned at 9:33pm Ms. Evans made a motion to adjourn. Seconded by Ms. Chamberland All voted yes

Jackie Bain, C.P.T.

Amy Vilardo, Mayor