

RECORD OF PROCEEDINGS

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

Held

April 2, 2024

20

The Council of the City of Milford met in Council Chambers at 745 Center Street at 7:00pm on April 2, 2024.

Mayor Evans called the meeting to order the Pledge of Allegiance and a Moment of Silence.

Roll Call

Present: Lisa Evans, Kristopher Parrish, Ralph Vilardo Jr., Brad Price, Janet Cooper and Kim Chamberland. Mr. Parrish made a motion to excuse Mr. Thompson. Seconded by Ms. Cooper. All yes. Also present was City Manager, Michael Doss, and Law Director Bryan E. Pacheco. The public was able to view via Facebook live and via ICRC TV broadcast.

Presentation

A great presentation about The Buckeye Trail and the special place Milford holds in the history and future of The Buckeye Trail! **Supervisor:** Diane Wright loveland@buckeyetrail.org Emily White from RRT commented about Milford receiving the Trail Town certification and how Milford is a haven for hikers to travel through.

Proceedings

Approve the Council Meeting minutes from March 18, 2024, Mr. Parrish made a motion to approve the proceedings Seconded by Ms. Chamberland All yes

Financial Statements

Adopt the February 2024 Financial Report Mr. Parrish made a motion to receive the report Seconded by Mr. Vilardo All yes

Public Comments Emily White/RRT – commented on the Buckeye Trail

Standing Committee Reports:

Administrative Services Committee -

Administrative Services Committee Meeting Minutes April 1, 2024 Ms. Chamberland called the meeting to order at 5:00 p.m. Present: Mark Thompson and Kim Chamberland Staff: City Manager – Michael Doss, Water Department Supervisor – Joe Casteel, Finance Director – Pat Wirthlin and Executive Assistant - Jackie Bain Visitors: Brad Price and Rebecca Shundich Proceedings: Mr. Thompson and Ms. Chamberland approved the minutes from the March 4, 2024, Administrative Services Committee meeting DISCUSSION: INVOICE NEPTUNE WATER METER SYSTEM Water Department Supervisor – Joe Casteel reviewed with the committee two invoices, Reference numbers: 002489 & 002490 from Neptune Equipment Company/NECO. The company contacted him to inform him that they had an opening and were ready to provide us service. This was an item that was budgeted for. Mr. Casteel stated that he agreed to the service and went out of order of the process of obtaining committee/council approval first then to agree with the service. The total amount of the one cellular in point will pick up the entire city, and it came in well under the \$80,000 budgeted amount (\$39,000 under what we had budgeted for). It has worked out flawlessly and is a phenomenal system upgrade for the city. City Manager Michael Doss noted that the committee and city council should be aware that this is a purchase that was made prior to any approval and authorizing the expenditure, exceeds the authorized \$7,500 amount per City Charter and is classified as approval after the fact. *THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN ORDINANCE AUTHORIZING THE CITY MANAGER TO PAY AN INVOICE FOR NECO IN THE AMOUNT OF \$5,762.50 AND ADDITIONAL \$29,475.00 FOR THE INSTALLATION OF THE AMR METER READING SYSTEM* Seconded by Ms. Chamberland Mr. Vilardo commented: *How was this possible that we could purchase something ahead of time without coming to first? Mr. Doss said that that was a good question. Mr. Vilardo stated that something like this should never happen. Mr. Doss agreed. All yes* DISCUSSION: PROFESSIONAL SERVICES – MAIN/LILA STREETSCAPE IMPROVEMENTS Mr. Doss discussed that the city had applied for and received funding from OKI – Southwestern Ohio District, for Lila Avenue, Main Street improvements from Five Points down to SR 131. That project is set to occur in 2025. In 2024, we did have some monies budgeted to do the design work and get this ready for bid by the end of this year. Award that bid and have that project ready to start in 2025 when funding does open up and become available. The maximum funding to be received was \$750,000. The Kleinger’s Group is our designated City Engineer for smaller projects. The committee reviewed the Kleinger proposal to perform the engineering portion of this project and get this ready to go out for bid. The total cost for design fees from Kleinger’s Group amounts to \$149,100. This project will be well over 1.2 to 1.3 million dollars. Reminding you that we get 50% funded and the other 50% in addition to (and we only get \$750,000 total for this project) any other additional costs will be absorbed as a match through the city. Pat Wirthlin discussed how the funds are coming out of /Streets Fund 210 and budgeted for \$100,000. It may need an appropriation, which she will monitor. Mr. Thompson asked about the quote under the Stone Environmental information/ page 5, for the additional Environmental Services = \$21,100 and \$4,900. Will this be added to the amount? Mr. Doss stated that he will find out but that we would only be authorizing the \$16,500 and any amount over that would have to come back through the committee to get additional authorization. Mr. Doss doesn’t anticipate additional expenses for anything other than what was proposed under environmental services in the amount of \$16,500.*THE COMMITTEE AGREED TO RECOMMEND*

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THAT THE LAW DIRECTOR DRAFT AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KLEINGER'S GROUP FOR PROFESSIONAL DESIGN FEES FOR THE MAIN/LILA STREETSCAPE IMPROVEMENTS IN THE AMOUNT OF \$149,100 Seconded by Ms. Chamberland All yes DISCUSSION: ORDINANCE AMENDMENT REGARDING THE REMOVAL OF ASH TREES AND PEAR TREES FROM ACCEPTED PLANTINGS IN THE CITY OF MILFORDMs. Chamberland discussed information that came out of the City of Milford Tree Commission meeting. The Tree Commission members noticed that in Ordinance 15-1142/ Municipal Code 911.08 Control of Street Trees, as it says now, there is a list of trees that are prohibited from being planted as street trees. Wendi Van Buren works as an Urban Forester at Ohio Department of Natural Resources and recommends that ordinances not to have specific tree listings and that the Tree Commission creates a working document as to what trees are allowed and not allowed so that it does not have to become part of an ordinance each time. Ms. Chamberland met with Christine Celsor to go over Municipal Code 911.08. The Tree Commission will give specific consent referring to the approved prohibited tree list managed by the Tree Commission. After discussion, the committee agreed to recommend the following:911.08 Control of Street TreesE. Trees on public property. Tree Commission will give specific consent. Refer to the approved/prohibited tree list managed by the Tree Commission. F(f) Abuse or Mutilation of Public Trees. Unless specifically authorized by the Tree Commission Parks and Recreation Commission, no person shall intentionally damage, cut, carve, top, transplant, or remove any public tree; attach any rope, wire, nails, advertising posters, squirrel feeder, or other contrivance to any tree or shrub; allow any gaseous, liquid, or solid substance to come in contact with them; set fire or permit fire to burn when the fire or heat thereof shall injure any portion of any tree or shrub.(g) Placing Materials on Public Property. No person shall deposit, place, store, or maintain upon any public place of the City, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written consent of the Tree Commission Parks and Recreation Commission. Trees in New Subdivisions. The Tree Commission The Parks and Recreation Commission shall approve the tree plan for any newly developed City tree lawns. (j) Tree Spacing. The spacing of public trees will be in accordance with the three (3) species size classes referred to in the Milford Tree Commission's Milford Parks and Recreation Commission's list of Street Trees and no trees may be planted closer together than the following: k) Distance from Curb and Sidewalk. The distance public trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes in the Milford Tree Commission's Milford Parks and Recreation Commission's list of Street Trees and no trees may be planted closer to the curb or sidewalk that the following: (m) Utilities. No public trees other than those species referred to as Small Trees in Milford Tree Commission's Milford Parks and Recreation Commission's list of Street Trees may be planted under or within twenty-five (25) lateral feet of electric wires. (n) Adoption of Rules. The Milford Tree Commission, The Parks and Recreation Commission, with the approval of City Council, may adopt rules consistent with this section, which shall provide detailed guidelines for the administration of this section. (Ord. 15-1142. Passed 1-20-15.)THE COMMITTEE AGREED TO RECOMMEND THAT THE LAW DIRECTOR DRAFT AN ORDINANCE AMENDING ORDINANCE 15-1142, E – N, REMOVING THE PARKS AND RECREATION COMMISSION AND ENTERING TREE COMMISSION AND E/THE WORDING TO TAKE OUT SPECIFIC LIST WHERE A LIST WILL BE MANAGED BY THE TREE COMMISSION Seconded by Ms. Chamberland All yes DISCUSSION: OUTDOOR NOISE ISSUES IN DOWNTOWN MILFORD Mr. Doss brought up information from a council meeting due to complaints/concerns regarding outdoor noise in downtown Milford. Ms. Chamberland reviewed Ordinance 2020-08 information. Rebecca Shundich, who is a resident of Milford, spoke to the committee regarding a business with a third level open area. Two concerns were raised: 1. The list of complaints in the last year was inaccurate. 2. The issue is that they do not want to turn off the noise, but to turn it down. There is nothing in the current ordinance to do that. We are hoping that the business will work with the neighbors as a curtesy and to keep it consistent. It is not a time issue, but very loud noise even with the windows closed. Mr. Doss suggested that to possibly take that time down to 10:00pm on Friday and Saturday. Ten O'clock p.m. being for outdoor performances (must be inside after 10pm) and all performances at 11:00pm for the River District. Mr. Doss also suggested that if there is to be a special performance, then a permit application must be submitted to the City Manager's office for review and approval in advance of the performance. After further discussion and consideration, the committee agreed to gather additional information and discuss it again at a future meeting. There being no further business, the meeting adjourned at 5:45 pm with a motion from Ms. Chamberland, Seconded by Mr. Thompson Respectfully submitted, Jackie Bain, Executive Assistant Mr. Vilardo stated and asked, when they were given a permit, for their outdoor, was that a permit for permitted use for that space? The brewery was very restricted. Ms. Evans remembered while she was on the Planning Commission that the brewery was prohibited to have music on their rooftop. Mr. Doss did not recall anything in the language for the distillery to have the same. Mr. Vilardo recalled that the design of the building went through multiple changes. It slipped through the cracks or something like that. Ms. Chamberland stated that when she spoke to Ms. Celsor, that she believed while Pam Holbrook was in the position here and through some of the meetings, the idea was to occasionally have it being used as entertainment on the rooftop. Mr. Vilardo stated that once up on the rooftop, he could not stay up there. Michael Doss's suggestion to look into a time. Because from a sound standpoint, we have gone down that road and it is not reasonable to do. Ms. Evans said that hopefully there will be some compromise. Ms. Chamberland has looked at other municipalities decibel levels as well as times, most communities are using the decibel levels and time language at the same time. Mr. Vilardo stated and asked Mr. Pacheco, that his understanding to enforce decibels is a very difficult more so than a

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time. Mr. Pacheco agreed because the time is easier. To measure the decibels depends on where you are measuring from, and what kind of instrument you are using. You can right them that way, but it is much harder to do vs. a time restriction. Ms. Evans said that it would be hard for the Police to control. Mr. Vilardo stated that it would be a disservice to our Police department to have to have them enforce a decibel reading. A time would be easier. Mr. Pacheco said that if you write this, he has seen many standards. For example, Montgomery has one, as well as the Village of Yellow Springs and other municipalities. He appreciates council's struggle with this because you have to thread the needle. Mr. Vilardo stated that we have dealt with other noise complaints and have been fairly consistent as far as time goes. But this does need to be addressed. Ms. Chamberland said that this needs to be addressed sooner than later regarding any future developments that may occur throughout the city. Mr. Price said that a band is not going to move their equipment from space to space for just one hour. The music event would just then be over if they were to move inside after 10pm. Mr. Pacheco and Mr. Doss have discussed what does outdoor mean? There are many ways to define outdoor.

City Manager Report

MEMORANDUM TO: City Council FROM: City Manager CC: Jackie Bain, Executive Assistant/Clerk
DATE: April 2, 2024RE: Manager's Report2024
Clermont County Engineer Paving Program – Bids received by the Clermont County Engineer's paving program indicate that the expenditure will be less than previously projected. This will enable the City to explore a possible additional paving project in 2024. The City is considering resurfacing the SR 131 entrance section of Stoneridge Drive to the first intersection of the housing development. SR 28 Car Wash – The property is under contract for possible sale. The City will continue to monitor the property for any potential future development. Five Points Landing Park Farmers Market – The City solicited 34 vendors for the market last week. Vendor applications are available online on the City's website. The Market is expected to open the Saturday of Memorial Day weekend from 8:00 am to noon. An evening market is being proposed on the second and fourth Tuesday evenings of each month. The City is also incorporating public Wi-Fi on-site for park patrons, visitors, and upcoming special events. Water Department Personnel – The City hired two employees for the water department. The employees are scheduled to start on Monday, April 15. These new hires will put the department back to full strength in relation to previously vacant positions. STANDING COMMITTEE MEETINGS None at this time REMINDERS April 10 – Tree Commission at 2:00 pm April 10 – Planning Commission at 6:00 pm April 15 – Municipal Tax Filing Deadline April 16 – City Council Meeting at 7:00 pm April 20 – Community Shred Day (City Hall parking lot) 10:00 am to 1:00 pm Ms. Cooper added that the Spring Litter Clean Up event is also on Saturday, April 20th at 9am. Registration is necessary to participate.

Police Department

Chief Mills reported that he is working on the monthly report but will have the report and a swearing in of a new officer (due to resignation of Detective Fannin's resignation) at the next City Council meeting. Also, a reminder that the department is still accepting applications for both lateral and non-lateral candidates for establishing an eligibility list.

Fire and Ems Report None at this time

Council Comments

Mr. Vilardo wanted to make everyone aware of the upcoming Annual CIC meeting. One of the discussions with the CIC is part of their ability to form some sort of public private partnership with parking. Taking our existing parking and modifying it as either a revenue generator or something along those lines that we could utilize more efficiently than the parking that we have downtown. Not to create hardships, but maybe, and to put on Council's radar, that something that we could discuss in the future so that the CIC could facilitate a little easier than council as a public private partnership. They are doing this in other jurisdictions. City of Loveland being one of them, that he is very familiar with. Right now, it is kind of a passive enforcement. Before the summer season, council should potentially address this and come to an agreement that this is not going to be a hardship for businesses. In his opinion to do a two- or three-hour parking even it is a nominal \$5 fee. That is what it is in Loveland right now. It encourages people to come in and spend their money to eat, entertain, etc. but to be aware that there is a time to turn their parking time over. Just something for council to be in agreement with so that we could have further discussion. Maybe during a committee meeting or something along those lines. Great presentation by the Buckeye Trail! It is amazing how many trails (Emily White/20,000 miles worth of trails) come through Milford. Mr. Price stated that it would be a good ICRC video to present.

New Business:

Ordinances And Resolutions

- 24-275 An Ordinance Authorizing The City Manager to Pay NECO Water \$35,237.50 for Equipment and Services Provided to the Water Department Mr. Parrish Made A Motion To Suspend The Rules And Read By Title Only Seconded By Ms. Chamberland All Yes Mr. Parrish Made A Motion To Adopt Seconded By Ms. Chamberland All Yes
- 24-276 An Ordinance Authorizing The City Manager to Enter into an Agreement with The Kleinger's Group for Professional Services for The Main/Lila Streetscape Improvements Mr. Parrish Made A

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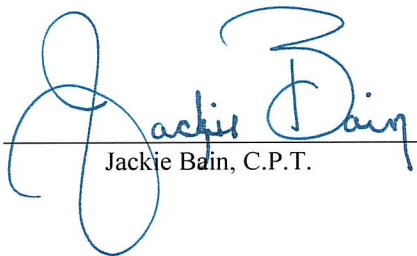
Held _____ 20 _____

Motion To Suspend The Rules And Read By Title Only Seconded By Ms. Chamberland All Yes Mr. Parrish Made A Motion To Adopt Seconded By Ms. Chamberland All Yes
24-277 An Ordinance Amending Chapter 911.08 Control of Street Trees of The Codified Ordinances of The City of Milford Mr. Parrish Made A Motion To Suspend The Rules And Read By Title Only Seconded By Ms. Chamberland All Yes Mr. Parrish Made A Motion To Adopt Seconded By Ms. Chamberland All Yes


Mr. Pacheco reminded council regarding Recreational Marijuana, suggested to do something before as a matter of time, the rules are supposed to be prolonged by the Div. of Cannabis Control June. He is suggesting that if council wants to do something, then to do something before June/July. And he does have a model of legislation that can be used.

Old Business:

Adjourn: There being no further business to come before the City Council; Ms. Evans adjourned the meeting at 7:46pm with a motion from Mr. Parrish Seconded by Ms. Cooper All yes



Jackie Bain, C.P.T.



Lisa Evans, Mayor