

The Council of the City of Milford met in Council Chambers at 745 Center Street at 7:00 p.m. on February 17, 2015. Mayor Howland called the meeting to order with the Pledge of Allegiance and a Moment of Silence. Mayor Howland suggested that it would be appropriate to consider the community during the Moment of Silence.

Roll Call: Present: Mayor Howland, Vice Mayor Lykins, Mr. Brady, Ms. Brewer, Ms. Evans, Ms. Hinnners, Mr. Pittman.

Proceedings: Ms. Evans made a motion to adopt the Proceedings of the January 20, 2015 regular City Council Meeting; seconded by Mr. Brady. All voted yes. Ms. Hinnners made a Motion to adopt the Proceedings of the February 3, 2015 Public Hearing; seconded by Ms. Evans. All voted yes.

Correspondence: Clerk of Council Sharon Waldmann indicated that there were three pieces of correspondence: (1) A petition with 633 signatures against the proposed senior living center (2) a letter from Jim Cohen, CMC (3) a letter from Attorney Tim Mara.

Public Hearing:

Mr. Minniear: We will require a Motion to continue the public hearing in progress. Mr. Pittman made the Motion; seconded by Mr. Lykins. All voted yes. Mr. Minniear introduced himself as the Law Director for the City of Milford and said he is functioning at this time as Council Parliamentarian. He explained the procedure as follows: the first order of business is that the City Manager will read the amended City staff position paper. The Applicant will then have five minutes to respond to the amended staff position paper and the comments will be directed only and specifically to that paper. At that point Council will ask questions of the Applicant and the staff. So that it is orderly, I will call on each individual Council member to ask questions. They will then have the opportunity to ask questions of anyone of the staff or the Applicant. Once all the questions have been exhausted, I will then ask Council to state their reasons and rationale for taking the positions that they will later take when they vote. The vote will be taken during the regular session of City Council. After they have stated their positions, I will then call for a motion to close the public hearing and return to the regular session of Council, at which time I will then entertain motions to either approve the recommendation of Planning Commission which will take four votes, to reject the recommendation of the Planning Commission which will take five votes, or to amend the recommendation of Planning Commission which will take four votes. If the vote is for rejection, that Ordinance will be read at the next Council meeting. If the vote is to approve or to approve with amendments, that vote will require two readings in March. The first reading will occur at the first meeting in March and the second reading at the second meeting of Council in March.

Traditionally how the meeting is set up and called is the prerogative of the Mayor. How the hearings take place has always been the prerogative of the Council Parliamentarian or the Law Director. Mr. Minniear indicated that he had spoken with the Mayor prior to the meeting and she is in agreement with the procedure to be followed. He then turned the time over to the City Manager.

Mr. Wright, City Manager: Section 1169.03.G.6 of the Milford Zoning Ordinance for evaluating a proposed Development Plan requires guidelines for reviewing a request. Specifically there should be evidence of sufficient or proposed off-site community services. Sufficient Fire and EMS services are a component of this guideline. Based upon our most recent discussions with Chief Cooper, staff has strong concerns about the impact on and sufficient funding for safety services and does not feel that Section 1169.03.G.6 of the Zoning Ordinance can be satisfied.

Chief Cooper and the MCFD have continued to provide additional empirical data of medic runs to complexes in Milford housing 55 and older populations, total run volume by the two ambulances and fire engine, and costs to add additional personnel to satisfy minimum personnel on fire engines. Having completed an additional analysis of the data relative to potentially adding a complex of an additional 92 households of 55 and up residents causes staff significant concern. The concerns are for the capacity of EMS services for all of our residents and potential future financial costs to the whole community to maintain an acceptable level of service.

It was very compelling to learn that recently 60% of the total medic runs in Milford have been to just the 55 and up communities. While it is estimated that the population of Milford on Main would only add 2-2.5% new residents to our total City population, the 92 new 55 and up units would increase our number of retirement dwellings by approximately 15%. Thus, the factor that must carry the most weight in analyzing the impact to Fire and EMS services for any new proposed high occupancy building is the intended age of the occupants. This factor is more critical for Milford than most other jurisdictions as the age of our overall population is much older than the State and national averages. The City always has a goal of delaying for as long as possible the need to ask residents to consider raising taxes for services and this continues to be a goal.

The impact to existing Fire and EMS services and funds combined with the projected needs of this proposed 55 and older complex are significant enough for staff to recommend that Council not approve the requested zoning district changes.

Mr. Minniear: The Applicant will have five minutes to respond to Mr. Wright's position paper.

Mr. Cohen: I feel I need to re-introduce myself because people in the room have it all wrong. I am not the person who should be the subject of yard signs, tee shirts, facebook campaigns and hateful rhetoric. I am an investor in your community, a supporter of your events and a tax payer. I invested 12 million dollars in your community in a project just down the road, a project some of the most competent developers in the area passed on. It is the continued success of the Riverwalk development that brings us to Main. I am not the disconnected outsider I'm being portrayed as. Mr. Cohen reminded those present of the contributions he and his company have made to City events including several thousand dollars to the Milford Miami Township Chamber of Commerce the year the Frontier Days celebration was rained out to offset their losses. When they rented the old scooter shop for residents to store their bicycles, the predominant area available for signage was given to the City to advertise the Milford Trail Head because it was the right thing to do; it should promote Milford. In developing Milford on Main we planned to donate a small park for the City at the Five Points intersection. A lot of people are minimizing that donation even though the school board never did it in over a hundred years of owning the site. We also designed extra parking for the churches because they have been counting on that parking since the advent of the automobile. Do you really think that St. Andrew's will not agree to an easement?

Mr. Minniear: Mr. Cohen, I hate to be rude and interrupt you in the middle of your presentation. I thought it was clear that your comments should be directed specifically and entirely to Mr. Wright's amended position paper. If you want to submit that you can as correspondence, but you need to address Mr. Wright's comments.

Mr. Cohen: That's where I'm going now. At Riverwalk, we have done everything we said we would do, even at zoning when I was accused that Riverwalk would be Section 8. When Riverwalk was built we were so open, forthcoming and cooperative with the fire department that they recognized our construction superintendent with last year's 'Servant of the Year' award. Chief Cooper and I have great respect for each other, but I cannot agree basing his estimates for Milford Main on the number of EMS calls to the SEM assisted living and nursing home facilities where the residents are considerably older and frailer than the residents of Milford Main. It is our business to know who our tenants are. Chief Cooper has convinced staff based on arbitrary and capricious findings that he knows my demographics better than I do.

CMC has as many tenants as Milford has residents. We were asked to get involved with Milford Main. We followed the recommendation of the Milford Business Advisory Council in proposing senior housing. It is the most benign use of any zoning classification other than a park. Before we spent many tens of thousands, I met with the Mayor and the City Manager and suggested a park for this location. I even compared it to Washington Park in Cincinnati.

I offered to trade the Milford Main site for a comparable size piece at Riverside Park and there was no interest. I agreed with the City that we do not need another park - there are four parks within one mile from Milford Main. The City has a great park system and amazing housing for seniors. Sem Laurel, the independent living apartments at Sem Villa has a 7 - 8 year waiting list for a two bedroom apartment. Pinebrook has no waiting list if you have \$3,500 a month for rent. We have asked for a work session with our architects and our neighbors to see if we can come together and work on something that will meet everybody's interests.

Mr. Minniear reminded Mr. Cohen that he was deviating again.

Mr. Cohen: If a true concern is about future EMS levies, imagine the impact of an EMS levy 2 1/2 years from today if the community has raised \$1.5 million for another park. What I am hoping Council will do tonight is use the Planning Commission to work with us in the final phase. At the end of the day, that's the Planning Commission's role.

Mr. Minniear: Just for the record that was six minutes. I would ask for Chief Cooper to come up in case there are any questions. This is for the purpose of Council to ask questions of the Applicant, Mr. Wright, Ms. Holbrook or Chief Cooper. Mr. Minniear said he would now poll City Council beginning with the Mayor. Mayor: I have no questions. Mr. Pittman: no questions. Mr. Brady: The questions I had were answered at the last public hearing. Ms. Brewer: No questions. Vice Mayor Lykins: No questions. Ms. Evans: No, everything has been answered. Ms. Hinners: No questions.

Mr. Minniear: There seems to be no questions for you, Chief Cooper. In that case, at this point, Council is going to state their rationale. I would just like to point out that there has been a Board of Zoning Appeals hearing, there have been two Planning Commission hearings; we were here last council meeting for six hours and we are here again tonight. You may leave this hearing tonight saying you are unhappy with the decision, but I don't think you can legitimately say the process was unfair. At this point we are going to state our rationale; the reasons for their vote which will not take place here in the public portion of this, but at the regular session which we will adjourn to shortly. We'll start off with the Mayor.

Mayor Howland:

Easement:

The easement has been a sticking point for me for a while. I feel that I have discussed this with staff until I am blue in the face. Even before the last public hearing, I requested a plan that did not include the easement

from St. Andrew's. For me – without a legal right to the St. Andrew's parcel, Mr. Cohen should not have included it on his application. While, I understand it was not used in the acreage count for density, it was used for parking and curb cut to allow access to Main Street. It is listed in his drawings and on his application. But an easement was never granted and we now know with certainty that it is not coming; thus for me his application and presentation to both BZA and Planning were false.

At one point when I asked staff about the easement they informed me that Mr. Cohen told them a letter was coming from the Archdiocese but these things take a while. Why was our staff and commission misled? A coalition of approval is the granting of the easement from St. Andrew's. In an email from February 2nd Ms. Holbrook says: "Securing approval and an easement from St. Andrew's is listed as one of the conditions of approval." Well, without that easement the condition cannot be met and thus approval cannot be granted.

On February 3rd during the public hearing I told Mr. Cohen that Mr. Soellner stated in an email that the Archdiocese will not even consider it at this time. Mr. Cohen went on to explain how it is in the best interest of the church that they grant him the easement for without it they can't access the handicap parking spaces behind the church. I suppose Mr. Cohen is going to put a wall or something to prevent them from using them; which I find very neighborly of him. Again I made the argument that without the easement we are looking at a false plan, an erroneous plan, and a misleading plan as was our own BZA and Planning Commission.

On February 4th, I asked Father Rob about the letter and he said "If he told you a letter is coming, then he is lying." Note; I have three witnesses to this conversation. Father went on to explain to me that the Archdiocese will not even look at a drawing and had not seen one. He also said he had made this clear to Mr. Cohen. Yet, he left the parcel in his plan and in his application, and knew the approval hinged on it. Others took the discussion from that night and must have gone to Father Rob as well because he then contacted Mr. Wright to make it clear that a letter was not coming. As one parishioner told me – "St. Andrew's does not need to play ball with Mr. Cohen for they have a contingency plan for parking. They have no desire to give over any part of their property especially since it is part of the school."

I wish this easement issue had been settled earlier. I feel Mr. Cohen misled our staff, BZA, Planning and this Council in regard to his application and renderings. And he put a local church, its priest, its parishioners and the school in the center of a controversy and that is simply unfair.

The lack of the easement means the applicant does not meet the criteria for approval so I must vote no.

Traffic Study:

Traffic Study has been another sticking point for me.

It is a very unique intersection and thus a structure like this built say on Wards Corner will have a different impact than being situated at this intersection and the side residential streets. The burden of potential traffic issues should not be on the City but on the developer. But I have an even bigger issue – the traffic engineer – Mr. Pflum – whom Mr. Cohen states in his open letter to Council is "one of the most respected in the state", argues that we will create, at most, a "negligible traffic impact." Well, sir, your traffic engineer has no credibility with me nor does any report he generates on your behalf.

After the February 3rd Public Hearing, he approached me here at the dais and I have a witness to this conversation. He suggested that while the decision to request a traffic study was mine, he strongly discouraged asking for one "because if a safety issue is discovered in the traffic study then the City is on the hook to fix it." He went on to explain it could be expensive so he recommends that we do not do one for that reason. I looked at him and asked him if he was asking me to make a decision based on a fear and that I would not. I was of course instantly appalled by his comment. If we have a traffic safety issue in this City then I want to know about it and damn right I want to fix it. The safety of our residents, business owners, those visiting and my own family is a priority. I do not want to drive on unsafe streets and would not ask anyone else to do so; to suggest we do not do one for fear of uncovering a safety issue is despicable. I find him to be unethical and his credibility is shot with me as is the traffic analysis he provided staff.

Without a credible traffic impact study I must vote no.

Density

I do not agree with the increased density. I tried to find a logical explanation as to why 26.2 units per acre but short of 'why not' or 'it's what the developer wanted' I cannot get a logical reason to manipulate our zoning codes other than to simply give the Applicant what he wants. That is not enough reason for me to take the Old Mill Overlay out of its intended area and apply it on this parcel.

Great care was given to give the Applicant what he wanted or 'needed' with disregard to our own zoning codes, neighborhood and residents. I also think doing so sets a precedent for future developers and prevents the City from having control of protecting the integrity of the City and its charm for if we do it for one we must do it for all.

I also must refer back to the Land Use Plan. Some say it is old or out of date. I cannot find a valid reason that this is true. In one of Ms. Holbrook's reports she even mentions the Land Use Plan and how relevant it

still is today. That same plan says we have too many multi-family structures and that an effort must be made to not add any more. So what has changed that requires us to allow more against the Land Use Plan?

Due to the use of the OMO and the increased density from what our City planners had set forth and the Land Use Plan; I must vote no.

EMS

I am still baffled that this whole concept of increased EMS staff is new. It was brought up early on by Mr. Joe Cooper. Mr. Cohen says he finds fault with Chief's number. When he becomes a Chief with years of experience and runs a firehouse, he can talk to me about the EMS. But I must defer to the expert – Chief Cooper.

I have done my own research to see who actually moves into senior housing; and the average age is 73. Why? Simple – personal finances. Most 55 – 65 year olds know it makes better financial sense to 'invest' in a house then rent. Thus, they are not willing to make that move until physical or medical issues arise making it necessary. In addition, many have already paid off their house or are close to it so again; to be smart financially you do not start paying rent. Also, the current and upcoming 55 – 65 year olds have a higher percentage than earlier generations did that had children later in their life; into their early to mid 40's thus they still have kids in college and coming home to do laundry and raid the fridge. They are not looking into senior housing. For another segment of that population; they are staying put and investing in their homes. Kids are out of college and married. They have extra money to remodel kitchens etc. One of their top priorities is the room for the grandkids.

I even spoke to a storeowner on Main Street. She is 55 and she and her husband are looking to downsizing. No, they will not rent; it does not make good financial sense. They still want an attached garage and a small yard. A priority for her she told me is the size of the kitchen and dining room. Why? Kids and grandkids come during the holidays. There is a reason 50 is the new 30 and that Viagra's target market is 50-60 year-olds. Thus a reason the average age of those moving into senior housing is 73.

Mr. Cohen told Mr. Wright that our own residents will be moving out of their own homes and into Milford Main and thus young families will be moving into their homes. So the senior population the EMS has to serve will be unchanged. How many City residents that are here tonight are over 55? How many plan to move into Milford Main if it is built?

Due to the new staff recommendation and the EMS report from the Milford Community Fire Department, I must vote no on the zoning change.

What I cannot do is vote for the zoning change based on fear. First there was 'a nursing home can be built there fear...' I know more about CON's, Board of Trustees, Regional Planning by Hospitals and cost of building such a structure then I care to know. Another fear is if we do not give the Applicant what he wants then no developer will want to work with Milford. Again, that is a false fear and can be offset with the fear that we will have to grant every developer everything they desire because we have set the precedent or the fear that the voters will make a Charter amendment making any zone or variance changes a ballot issue. We cannot vote out of fear.

Lastly, is the idea that Mr. Cohen is the only one interested in this property. He has said many times if not him then who because no one else bid on it but him; no one else has the money. That is another fear and manipulation – 'façade gate' is what some call it. I also think there was a marketing issue of the bid. An article in the Enquirer or Milford Advertiser is not where most developers search for properties. It has been explained to me that there is a special type of broker that is usually used along with marketing tools to market the property to potential developers. But again for those that did know the facade was the big issue, we now have a better understanding of what preserving the façade means.

We know there was a great plan put forth by the Methodist Church.

Mr. Wright knows of other developers that were interested in it. I asked a broker at Colliers, Mr. Ackermann from the Ackermann Group and Charles Kubicki, President of Cincinnati United Contractors - that if preserving the façade was not a stipulation in the original bid process, would more developers have been interested in their professional opinion? It is interesting that the first response back from all three was very similar. "When did this go out to bid?" "Who was the broker?" "I had no idea it went up for sale." I will read a quote from Charles J. Kubicki, President of Cincinnati United Contractor, for the record he is my uncle. He is the developer behind River's Edge and is one of the biggest landowners in Milford. "If they remove the restriction to save the façade of the building and allow it to be torn down, I believe they will attract additional interest in the site from multiple developers. Milford has come a long way with their image and amenities with the revitalization of the old downtown area as well as with what they have allowed us to do at River's Edge."

I cannot vote yes simply because Mr. Cohen tells us there is no one else interested.

Finally, I must vote no because it simply is not the best use of that parcel. When Mr. Cohen first came to the City after putting in his option to buy he laid out a whole park plan, renderings and all, in front of Mr. Wright, Ms. Holbrook and myself. He told us what we already knew – that this piece of property was one

of the most important in the City and what went there had to be a 'gold medal' for the City. He believed the ideal thing was a park; hence why he brought us a drawing of an amazing park. The park would be the perfect gateway as an entry to the City – on and on he went. He was trying to sell us on the park vision so that we would flip him our Riverside Parks for Milford Main. I remember telling Mr. Wright that I think he was surprised when we told him the City was not giving up its river front property. He then went to the Legion to see if they would trade him buildings. They also declined his offer. So here we are today and this development. This structure with its high density is not the gold medal that even Mr. Cohen says we deserve.

I must vote no.

Mr. Minniear: Mr. Pittman, would you please give us your rationale for your vote?

Mr. Pittman: Based on 1169.03.G.6 and based on the opinions and the findings of the Fire Chief and staff, it is my intent to reject the application.

Mr. Minniear: Mr. Brady, would you state your rationale?

Mr. Brady: I appreciate the involvement, interest, work, and emails from residents, developers, City staff and the members of both the Planning Commission and the Board of Zoning Appeals.

We're faced with interpreting wording, documents, intentions, where in two specific cases Planning and Zoning, the votes weren't unanimous because the regulations are left to interpretation and trying to discern intentions. My belief is it's the City's intent to be good partners, whether with businesses, developers, or non-profits and expect the same in return; while being guided by what we, representing the City, each believe is best – again based on our interpretations.

I am against the zone change and I'll give three reasons and then the details in a moment:

1. The Milford Land Use Plan
2. Zoning Ordinance: Planned Development District, Section 1169.01, the Purpose of a Planned Development District.
3. Section 1169.03.G.6 of the Milford Zoning Ordinance evaluation of a proposed development plan requires guidelines for reviewing a request.

One: The Milford Land Use Plan

From the intro: 'The Land Use Plan Update provides a vision for community leaders to follow to help encourage proper redevelopment of underutilized properties, continue to expand and improve park and recreational areas, widen the economic tax base, and preserve the town's livability that makes it what it is today; an attractive and thriving city.'

Goal (1st listed): Promote strong and stable residential neighborhoods that provide an attractive living environment for present and future residents. Encourage a healthy balance between single family residential and multi-family residential uses. Extend the character of existing neighborhoods into new developments located adjacent to these existing neighborhoods.

We already have multi-family residential in the neighborhood; adding more can upset that 'balance'. I don't believe the new development extends the character of the existing neighborhood.

Goal (5th listed): 'Create a sense of place that is unique to Milford to improve the overall quality of life'. Understand there are areas such as Five Points that should be transitional in nature and that land uses in these areas should be compatible with all surrounding uses.

I don't believe the proposed development is compatible with all surrounding uses.

Under 'Multi-family Residential': 'The City does not propose the addition of any new multi-family residential areas for the future in the hopes of encouraging more single family or condominium development that encourages owner occupancy.'

Under 'Downtown Mixed Use': 'In a continuing effort to revitalize the downtown area, the Plan encourages the development of mixed uses in the area including commercial office and residential; including small offices or residential apartments.'

I believe we need to encourage more owner-occupied housing and the 'sense of place' as described, and I am concerned about the ratio of renters to owners in the City. In addition, if the zoning change passes, I will still have severe concerns about a development with such a high density.

Two: CHAPTER 1169 "PD" Planned Development District 1169.01 Purpose There are five: I site #4 and #5:

#4: 'To obtain creative and coordinated designs in harmony with surrounding uses...'

#5: 'To allow for creative development that conforms to the goals and objectives set forth in the Milford Land Use Plan.'

I don't believe the development proposal design is in 'harmony' with surrounding uses; and I don't believe the proposal conforms with the Land Use Plan goals and objectives as I previously stated.

Three: Section 1169.03.G.6 of the Milford Zoning Ordinance for evaluating a proposed development plan requires guidelines for reviewing a request:

'Specifically there should be evidence of sufficient or proposed off-site community services. Sufficient Fire and EMS services are a component of this guideline, and based upon recent discussions, the City staff does not feel this section of the zoning ordinance code can be satisfied.'

I concur with the staff's assessment.

One more thought: When I joined Council about 1½ years ago, Chief Mills handed me one of the Police Department Challenge Coins. The coin is a good reminder of what it means to represent the City. On the front it is inscribed: Integrity, Commitment, Professionalism, and Cooperation. On the back it asks a question: "Am I doing the right thing, at the right time, in the right way, and for the right reason?"

I believe I am, and I vote against the zoning change.

Mr. Minniear called upon Ms. Brewer to state her rationale.

Ms. Brewer: I just want to take a moment and reflect on the past couple of months. While I realize that this issue has caused some serious angst for many of you I do think that there is some good that has come out of all of this. I'm very proud of my neighbors for their hard work and dedication. I've heard many negative comments about the delayed response from the community but I just want to go on record as saying that I do not feel that way.

I honestly feel that the community believed in the process, believed that BZA and Planning Commission would do the right thing by not changing the zoning and then when that didn't happen, it just felt like an out of control freight train to them. But they circled the wagons quickly, got organized and led a valiant effort to demonstrate to this Council exactly what they expected of us. A forum was created on Facebook where information was disseminated and thoughts and ideas were shared. A petition was drafted and folks took to the street and in a very short time they were able to secure over 600 signatures. Signs were made and dispersed throughout the neighborhood in a day. You came together. This community came together.

I want to applaud those of you who have taken the time to attend all of the meetings and write emails, some of you multiple emails, Amy, Anne, Carl, Rachel, Tenderly, The Coopers, Mark, Andy, Gary and Becky, Cole, Rachel and Jessica. I promise you that every member of this Council has read them. I also know that we tried to respond to all but may have missed a few of you. Again, that doesn't mean that we didn't read them, we did.

I also want to thank those of you who sent letters in support of the development. Some great ideas and suggestions were contained in those emails and they were not dismissed or overlooked. I want you to know that I respect your opinions as well.

It may sound crazy to say but I am now excited for the future of this site and Milford Main. I truly believe that something awesome will come from this tumultuous experience. This community has proven that they can and will work together. So, take a moment and pat yourself and/or your neighbor on your back. After all it takes a village.

Having heard all of you, I want you to know I will not be supporting this development for several reasons:

- * I do not agree with the density and the size of the development.
- * I have issue with the legal right to St. Andrew's property. I believe that makes the application invalid.
- * I'm concerned with the existing rental rate.
- * I am confused at the 55 age vs 75 years of age. I'm not really sure what the target age is for this property.
- * I question the validity of the traffic study and the use of the OMO overlay.
- * I believe it could possibly have a negative effect on property values.
- * I believe it will affect some people's quality of life.
- * I am moved by the recommendation of staff on the EMS

For these reasons I cannot support this development.

Mr. Minniear: Ms. Hinnners will you state your rationale?

Ms. Hinnners: They've had some beautiful points that we've discussed before. In all the twenty years I've been on Council this has been one of the toughest and one of the best in a way because everybody did come together. I am grateful for the gentlemen for coming forward and for our staff; especially Jeff Wright. I managed Sem Terrace in the 80's, because of that I have some issues, too. I, too, will be voting 'no'.

Mr. Minniear: Ms. Evans will you state your rationale?

Ms. Evans: Yes, I also want to thank the public. I appreciate the involvement and I also think great things will come from this. I won't go through everything that has already been said, but the density concerns me.

The traffic highly concerns me, same points with the Land Use Plan, and I totally trust Chief Cooper. I also, will be voting no.

Mr. Minniear: Mr. Lykins will you state your rationale?

Mr. Lykins: I also would like to thank everybody who chimed in on both sides of this issue. Honestly we sitting up here work in a vacuum, because we don't hear from everyone. The example I like to give is sometimes since I've been on Council we've voted to spend roughly 20 million dollars to reline sewer lines or water lines and I think there were two people in the audience. We talked about moving someone's trash pickup though and we had forty people there. That's good because when we hear from people it at least lets us weigh all the options.

For me this always been, going back to the first meeting, always been a zoning change case and 'what is the long-term best use for that property for the City?' I don't know whether it's Mr. Cohen's or not. But I do believe because this City is 3.8 sq. miles; it has a limited amount of homes and places to get its income. And while we are financially in great shape today because of the thriftiness and responsibilities of past Councils, as I look out and run the numbers, ten/fifteen/twenty years, I wonder where the increased income is going to come from. Every year, for the past four or five years, we have subsidized the cemetery to the tune of \$75,000. That comes out of the General Fund. Every year we subsidize the cost of all of our garbage and recycling pickup to the tune of \$265,000 out of the General Fund. So, the question always to me is 'Where is that money going to come from in ten or fifteen years?' And I believe strongly that this City has to grow, whether that means new business or new homes or new rental pieces of property that bring in new income. We have to grow.

For that reason I truly believe that the best use of the property is an R-5 with an OMO and for that reason I am going to vote to support the Planning Commission's recommendation.

Mr. Minniear: Before we adjourn the public hearing, I would like to say that the BZA and the Planning Commission, and I've worked with them for a very long time; these are people of high integrity. These are volunteers and for the most part are not attorneys, and they are dealing with extremely complex legal issues involving the law and zoning codes. Working with zoning codes is difficult even for attorneys who have expertise in zoning. So, you have to understand that when the Planning Commission or the BZA are dealing with these difficult issues, you're not always going to agree with what they do, but I don't think their integrity can be questioned.

Having said that, I would like to entertain a motion to close the public hearing and return to regular session. Mr. Brady made a motion to close the public hearing and return to regular session; seconded by Ms. Evans. All voted yes.

Mr. Minniear stated that they were now in regular session of Council and asked to hear a motion regarding the recommendation of the Planning Commission.

Ms. Brewer made a motion to reject the recommendation of the Planning Commission; seconded by Ms. Evans. All voted yes except Mr. Lykins who voted no.

Mr. Minniear: Having received five votes, the recommendation of the Planning Commission is rejected.

Public Comments:

John Aufdenkamp indicated that he would address Mr. Lykins' remarks regarding City growth. He then stated that past Councils had allegedly rejected three applications for annexation.

Ms. Theresa Williams stated that her daughter's house has dropped in value from \$65,000 to \$30,000.

An unknown woman thanked City Council for their decision and stated her willingness to be on a Council/School Board Committee to determine the best use of the property.

Finnigan Huxell and Alexis Walter came to the podium. Finn indicated that he is a Life Scout and was concerned about the use of the Main Street property. Alexis stated that she and Finn have collaborated to start a campaign to save the playground. They took turns speaking as they presented their idea to raise \$1 million dollars to purchase the property, safely tear the current school building down and turn the property into a park. They thanked the community for their support. They have opened an account at Park National Bank and to date have collected almost \$1,000. They believe this is a project the entire City can get behind and support.

Mayor Howland congratulated the two for their foresight and hard work then addressed Alexis' diligence with her 'End the Trend' campaign to stop bullying. She then commended the Service Department for their exceptional handling of the snow storm the day before.

Financial Statement: Ms. Evans made a Motion to adopt the December, 2014 Financial Report; seconded by Mr. Lykins. All voted yes.

Board of Education: There was no report from the Board of Education.

Standing Committee Reports:

Administrative Services: There was no report at this time.

Community Development:

Charlene Hinners called the meeting to order at 4:35 p.m.

Present: Laurie Howland, Lisa Evans
Staff: Pam Holbrook, Assistant City Manager; Ed Hackmeister, Service Department Supervisor
Visitors: Karen Wikoff, MMTCC; Mary Kokenge; Dave Sence, LTD Landscaping

2015 Flower Selections

The committee discussed the previous year's plantings and agreed that they would like to see some additional color, height and plant draping in the pots. They recommended utilizing hardy plants consisting of a color palette of hot pink, purple, and orange.

The committee made the following recommendations:

1. Plant annuals at the Milford Parkway sign.
2. Plant annuals at the 126/50 sign.
3. Install plant containers on the triangle in front of Gayhearts.
4. Dave Sence to coordinate with Kim Chamberland to determine appropriate flower types for the containers. Information will be forwarded on to staff and the committee members.
5. Install container plants at the entrance and exit of the new parking lot.
6. Remove overgrown vegetation near Architectural Art Glass and replace with stone or gravel.

Mr. Sence recommended using the pyramid boxwood and a fuller size Jupiter shrub for the fall plantings this year.

Farmers Market

Mary Kokenge introduced herself to the committee. She is interested in establishing a Farmer's Market in downtown Milford. Ms. Kokenge is in the organizational stage and has reached out to other groups such as Valley View. She is interested in opening the market under a 501c3 designation, and possibly holding the market on a Wednesday night from 3PM-7:30PM. The Community Development members were in full support and recommended that she work through staff to continue the process. Ms. Kokenge plans on having an organizational meeting in Harry Hodges Conference Room on February 9th from 6:30-8:30PM.

The meeting was adjourned at 5:45 PM.

Parks and Recreation: There was no report.

Public Services:

Called to Order: 8:00 a.m. by Amy Brewer
Present: Ed Brady and Charlene Hinners
Staff: City Manager Jeff Wright, City Engineer Bud White and Service Dept. Supervisor Ed Hackmeister

Purchase of Road Salt

Mr. Hackmeister requested approval to purchase road salt to replenish the salt barn. He explained that the City jointly bids the contract annually as part of a consortium but the price has more than doubled as a result of last winter's severe weather. The 2015 Budget included the ability to purchase up to \$109,000 worth. Staff is asking to purchase 600 tons at \$117.92 per ton. Milford's allotment has been delivered by the salt supplier to the Clermont County Engineer's Office, so our purchase order will be with Clermont County.

The Committee agreed to make a motion to draft an Ordinance authorizing the City Manager to enter into a contract with Clermont County for the purchase of road salt for an amount not to exceed \$70,752; seconded by Mr. Pittman. All voted yes.

Purchase of Service Department replacement tractor mowers

Mr. Hackmeister provided the Committee with information for the purchase of two replacement tractor mowers that were included in the 2014 budget to replace two tractor mowers from 2000 and 2004 that are no longer reliable. He explained that the prices are the lowest possible as they are part of the State of Ohio competitive bidding program. Mr. Hackmeister also stated that the City began saving \$15,000 per year in 2012 when it removed mowing of parks, City properties and rights-of-way from the annual landscape contract and began performing the work in-house. Thus, the mowers have a return on investment of less than two years and will be used for several years.

The Committee agreed to make a motion to draft an Ordinance authorizing the City Manager to enter into a contract with Clermont County Equipment for two Lazer tractor mowers in the total amount of \$19,038; seconded by Mr. Brady. All voted yes.

Joint Agreement with Clermont County for Annual Road Repaving

Staff is proposing that the City again enter into an agreement with Clermont County to jointly bid the annual street resurfacing project. The highest priority street will be Main Street between Race Street and the 5 Points intersection since it was disturbed for last year's waterline replacement project. The 5 Points intersection component will include decorative crosswalks with stained and stamped asphalt to mimic bricks. Mr. White anticipates that there will be enough money in the budget to repave three additional streets, which may include Kirgan Lane and two streets in the East Milford neighborhood.

The Committee agreed to make a motion to draft an Ordinance authorizing an agreement with the Clermont County Board of Commissioners for the 2015 Road Resurfacing Program; seconded by Ms. Hanners. All voted yes.

Milford Parkway sidewalk bids

Mr. White informed the Committee that he received 16 bids from contractors for the construction of the new sidewalk that will be built on Milford Parkway from Route 50 to the entrance to Finley Ray Park. He is recommending that a contract be awarded to the lowest bidder, Prus Construction, in the amount of \$82,607. Prus has extensive experience with this type of a project and has a stellar reputation. The contract amount is \$14,000 less than the engineer's estimate.

Mr. Wright reminded the Committee that 100% of the funding for the sidewalk is coming from the TIF Fund, not from the General Fund, and can only be spent on projects in the Milford Parkway corridor.

The Committee agreed to make a motion to draft an Ordinance authorizing the City Manager to enter into a contract with Prus Construction Co. for the Milford Parkway Sidewalk Improvements in the amount of \$82,607; seconded by Mr. Pittman. All voted yes.

Waterline Replacement Project design contract

Mr. Wright distributed an agreement for design services for the Main Street Waterline Replacement Phase II Project. The City is in need of replacing water mains that are approximately 100 years old. We recently received funding assistance from the Ohio Public Works Commission in the form of a 49% grant and a 51% loan at zero percent interest rate. Strand Associates, Inc. engineering firm has submitted an agreement to design the project. Their fee of approximately 11% of project costs is one or two percent lower than industry standards. Strand previously designed the new SCADA system for the water system and the City had a very positive experience with them.

The Committee agreed to make a motion to draft an Ordinance authorizing the City Manager to enter into a contract with Strand Associates, Inc. for survey, design, bidding and construction services for the Main Street Waterline Phase II Project in the amount of \$56,000; seconded by Mr. Pittman. All voted yes.

There being no further business, the meeting adjourned at 8:45 a.m.

Safety Services: There was no report at this time.

City Manager's Report: City Manager Jeff Wright presented the following report:

CITY MANAGER

Pam, Bud, Chief Cooper and I met with Cincinnati United Contractors on Tuesday to discuss an extension of an access road from the Roney's restaurant that will be under construction soon on Chamber Drive.

Both Matt Newman, Water Department Supervisor and Dave Walker, Waste Water Supervisor, participated in a two day Disaster Management class for water and wastewater personnel in Cincinnati. This was a free course offered through Hamilton County Homeland Security.

SERVICE DEPARTMENT

Ed Hackmeister, Service Department Supervisor reports that last week they prepared their trucks for the probable snow the weather reporters were all calling for. He called in the road crews at 7:00 a.m. Monday. Four trucks worked until 10:30 a.m. today. They used 125 tons of salt. Ed reports that with tomorrow's predicted snow he anticipates that his road crews will be out bright and early.

Ed reports that last week the Service Department checked for potholes and filled them. Please remember to report pot holes to him for service by calling 248-5090. He reports that they have also started refinishing the picnic tables at Garfield Park.

WASTE WATER DEPARTMENT

David Walker, Waste Water Supervisor, reports that his staff ran the vac-truck at 541 Hudson to clean the main sewer line and ran the camera to mark the sewer lateral. They also used the vac-truck to jet rod the main sewer line at Park Bank and at Mound Street and responded to a sewer complaint at Pet Smart out on the Parkway. They found that their sewer lateral was backed up. Pet Smart called a plumber to correct the problem.

Plant flows for the week: Influent 3.2MG Effluent 3.6MG

WATER DEPARTMENT

Matt Newman, Water Department Supervisor, reports that his staff completed 8 work orders and 10 utility locates for residents last week. They also inspected ¾ tap service at 811 Chamber Drive.

STANDING COMMITTEE MEETINGS

Administrative Services Committee: Not scheduled at this time
Community Development Committee: Not scheduled at this time
Public Services Committee: Not scheduled at this time
Safety Services Committee: Not scheduled at this time

REMINDERS:

BZA: 7:00 Wednesday, February 26, 2015 in Council Chambers
Parks & Recreation: 5:30 p.m. Monday, March 9, 2015 in Council Chambers
Planning Commission: 6:00 p.m. Wednesday, March 11, 2015 in Council Chambers

Police Department Report: Police Chief Jamey Mills came forward to present the following report: Chief Mills indicated that he wanted to remind the public that they will be having their tri-annual CALEA onsite visits on March 15th - 17th and that will include a public hearing in Council Chambers on March 15th at 7:00 p.m. It will also be publicized through the Milford Advertiser and on their face book page. He stated that as part of that they are looking at their annual reports. Per the 2014 Annual Report: they received a 93% approval rating from respondents who rated them as either 'excellent' or 'good', burglaries are down 16% which is a three-year low as they only had 21 total last year, larcenies, even with the heroin epidemic, are down 13.6% over 2013 and is also a three-year low, and auto accidents are down 3.7% which is a continual reduction over the past 4 years. Chief Mills stated that they have also reduced the OVI related crashes and injury related crashes.

Chief Mills reminded the public that the department's approach to traffic safety has always been a three-pronged approach: education, enforcement and engineering.

Fire Department Report: Chief Cooper came to the podium to present the following report: Chief Cooper stated that the work on the resting area of the fire station is almost completed and invited the public to check out their progress via their website.

He then thanked the Service Department for the outstanding job they do to keep the City streets safe during snow events. He said their hard work makes their work much easier. He stated that during the past week they have had one cooking fire in the middle of the night and two fires at SEM Villa. He thanked area fire departments who came to assist.

Ms. Brewer stated that Chief Cooper has volunteered to host a dinner for the high school varsity and junior varsity basketball teams

Mr. Wright invited Asst. Fire Chief Baird to come to the podium and talk about Chief Cooper's award.

Asst. Chief Baird stated that Chief Copper will be presented with a 'Humanitarian' award at the upcoming Clermont Chamber of Commerce's Salute to Leaders dinner and congratulated him for the honor.

Mr. Wright stated that several individuals from Milford will be presented with awards at the banquet: Jeff Lykins (Wm. H. Over Leadership Award), Dr. Robert Farrell (Education Award), Park National Bank (the Corporate Citizen Award) and Mike and Gary Green (an Award from the City of Milford). Mr. Wright congratulated all who will be presented with awards and added that the City is collecting 20% of the total awards presented that night.

Public Comments: There were no further public comments at this time.

Council Comments: Ms. Brewer congratulated staff on the hard work they had put forth regarding the public hearing.

Mr. Wright indicated that he and the City staff appreciate Council's support.

New Business:

15-1143 An Ordinance authorizing the purchase of road salt: Ms. Brewer made a motion to suspend the rules and read by title only; seconded by Mr. Pittman. All voted yes. Ms. Brewer made a motion to adopt the Ordinance; seconded by Mr. Pittman. All voted yes.

15-1144 An Ordinance authorizing the purchase of two Lazer tractor mowers: Ms. Brewer made a motion to suspend the rules and read by title only; seconded by Mr. Pittman. All voted yes. Ms. Brewer made a motion to adopt the Ordinance; seconded by Mr. Pittman. All voted yes.

15-1145 An Ordinance authorizing an Agreement with the Clermont County Board of Commissioners for the 2015 Road Resurfacing Program: Ms. Brewer made a motion to suspend the rules and read by title only; seconded by Mr. Pittman. All voted yes. Ms. Evans made a motion to adopt the Ordinance; seconded by Mr. Pittman. All voted yes.

15-1146 An Ordinance authorizing an Agreement with Prus Construction Co. for the Milford Parkway Sidewalk Improvements Project: Ms. Brewer made a motion to suspend the rules and read by title only; seconded by Mr. Pittman. All voted yes. Ms. Brewer made a motion to suspend the rules and read by title only; seconded by Mr. Pittman. Ms. Brewer made a motion to adopt the Ordinance; seconded by Ms. Evans. All voted yes.

15-1147 An Ordinance authorizing an Agreement with Strand Associates, Inc. for the Main Street Waterline Phase II Project: Ms. Brewer made a motion to suspend the rules and read by title only; seconded by Mr. Pittman. All voted yes. Mr. Brady made a motion to adopt the Ordinance; seconded by Ms. Evans. All voted yes.

Old Business: There was no old business to be discussed at this time.

Adjourn:

There being no further business to come before the City Council; the meeting was adjourned at 8:22 p.m. with a Motion from Ms. Hinners; seconded by Mr. Pittman. All voted yes.

Sharon Waldmann, C.P.T.

Laurie Howland, Mayor