

DAYTON LEGAL BLANK, INC., FORM NO. 10148

April 4, 2017

Held _____ 20 _____

The Council of the City of Milford met in Council Chambers at 745 Center Street at 7:00pm on April 4, 2017. Mayor Howland called the meeting to order with the Pledge of Allegiance and a Moment of Silence in recognition of National Child Abuse Prevention Awareness month.

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

Introduction and Presentation: Appointment of new council member since Mr. Bonnell’s departure from City Council. Mr. Minniear announced the procedure that is to be followed this evening. The candidates are to first make their presentations in no particular order. As they are at the podium, and after they have made their presentations, council will direct any questions to the candidate. After all 3 candidates have finished their presentations there will be a discussion amongst council and that discussion will last as long as needed. At the conclusion of the discussion there will be a vote. All 3 candidates will be considered nominated and eligible to be appointed so there will be no motions for nominations. The Clerk of Council will call the roll and each member of council will vote audibly to their choice. The person who is to be appointed is to receive at least 4 votes. The full legal council is 6 so there must be a majority of at least 4 votes. If a person has not received 4 votes on the first ballot, there will be a second ballot. If the person has not received 4 votes after the second ballot there will be a third ballot and last concluding ballot. And if after 3 ballots and there has still not a majority vote for a candidate, then the Mayor will make the appointment pursuant to section 3.09 of the Milford City Charter. The first candidate to the podium was Mr. Fred Albrecht. Mr. Albrecht thanked Council for the opportunity. He lives in Milford. Mr. Albrecht has been in the same industry for 40 years with different companies. His business is in the Park 50 Tech Center. Mr. Albrecht continued to inform council why he is asking to be on City council and lend his services and the opportunity to serve on council. He thanked council for the chance to speak. Ms. Howland asked council if they had any questions for Mr. Albrecht. Mr. Haskins was curious about an education jump from Mr. Albrecht’s major in 1978 which was physical education, zoology with a secondary education degree as well. What made you decide to make the jump from education to business and how did you get to that point? His perception changed after getting married and moving to the Cincinnati area. He was looking for a job in the recreation field and found one. He finds that at the end of every day he helps coach people. To growing and educating them about their business. What he does gets applied. His education has taught him to write and to communicate well. He wanted to be a Veterinarian and the competition is very tough. He diversified his background and his interests at the time. Kim Chamberlain – lives in Milford for the last 21 years. Ms. Chamberlain has her own business which she started in 2008. Has served the community for the last 20 years as well either by volunteering with the schools as well as serving with local organizations and committees. She loves the diversity of the city. Everything is within walking distance of our community and then within approximately 20 minutes we can be downtown in a large metropolitan area. She would like to be part of the growth moving forward in Milford. She stated that her track record qualifies her to be a good candidate for council. She would also like to serve her fellow residents, businesses and visitors. Ms. Howland asked if council had any questions for Ms. Chamberlain. Mr. Haskins asked if being on the Milford Miami Township Chamber of Commerce Board. Is there one thing that Milford currently doesn’t have that you wished that they did have? Ms. Chamberlain stated that she is glad that Milford is working on a comprehensive plan for the city and including residents as part of the plan. Our community is the hidden treasure/gem. We can have that plan in place and we will build that cohesiveness of areas up 131 to South Milford. Candidate 3 did not appear. Mr. Minniear mentioned the vote this evening is not to be taken personally and there is only one opening and to whomever is not appointed, there are many commissions and committees to serve on and many opportunities to get involved in other than on council. Mr. Brady commented that he is reminded what he went through as he was trying for the city council seat. He hopes that he does see the faces that are here tonight to appear again at other functions and to get involved. Both candidates have their heart in the right place and good experience. Council could not go wrong with either one. Please continue to get involved. Mayor Howland would like this general message for volunteering for any open seat. Do get involved. The roll was called - Ms. Howland; Fred, Ms. Brewer; Fred, Ms. Russell; Fred, Mr. Brady; Kim, Mr. Haskins; Fred, Ms. Evans; Kim. The vote was 4 to 2 Fred Albrecht is appointed and congratulated. Kim Chamberlain was thanked. Mr. Albrecht was sworn in as a Council member and immediately took his seat on council. Mr. Minniear mentioned that when the Ordinances and Resolution was being voted on tonight that Mr. Albrecht is to answer Present.

Proclamation: Arbor Day April 4th 2017. Please see City of Milford Tree Rebate Program promoting residents to plant a tree in honor of Arbor Day.

Proceedings: Ms. Evans made a motion to adopt the Proceedings from March 21, 2017; seconded by Mr. Brady. All voted yes.

Correspondence: None

Financial Statements: Ms. Evans made a motion to approve the January Financial Statement. Mr. Brady seconded the motion.

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Public Comments: Charles Evans/Chair for the Parks and Recreation Commission mentioned that this Saturday is the Easter Eggstravaganza at Riverside Park starting at 10:00am. A special thank you for Texas Roadhouse a couple of other local business for the treats provided for the treat bags that will be handed out at the event. Frontier Days is the first week in June. Parade is on Thursday and starts in front of the Old Milford Barber shop and runs Thursday thru Sunday. Sunday will have a special performance by Elvis. They would like to let everyone know that the Frontier Days tries to give back to the city and they have decided to do a beautification project for Riverside Park. There are two electrical cages that are surrounded by chain link fences. We purchased and installed plastic slats to help make the fences look better and yet still hide the electrical equipment and make it look a little bit cleaner in that area.

Standing Committee Reports:

Public Services:

Public Services Committee Meeting Minutes March 30, 2017 Called to Order: 8:00 a.m. by Amy Brewer Present: Laurie Howland, Amy Brewer, Ed Brady Staff: Michael Doss, City Manager; Nate Clayton, Public Works Director; Lori Pegg, Community Services Manager, David Walker, Waste Water Supervisor
2017 Sanitary Sewer Lining Bids

Mr. Clayton presented the two bids received for lining of the sanitary sewers on Mound St., Cleveland Ave., Laurel Ave., and Gatch Street. The bids received were from Layne Miller for \$212,814.00 and Miller Pipeline for \$184,491.00.

Mr. Walker stated that the original budgeted amount was about \$25,000 less than the bid, so he would recommend relining the sewer line in the alley on Mound St. if the change order amount does not exceed that amount.

The committee agreed to make a motion to draft an ordinance authorizing the City Manager to enter into an agreement with Miller Pipeline for the sewer lining on Mound, Cleveland, Laurel and Gatch in the amount of \$184,491 and for the change order to complete the lining in the alley on Mound not to exceed \$25,000.

Mr. Brady made a motion to accept the motion seconded by Ms. Russell. Mr. Albrecht voted present all others voted yes.

Mill and Water Street Intersection Design Services

In an effort to be proactive with the traffic patterns at the site of the new brewery on Mill Street, a traffic study was completed by Kleingers which recommended protected left turns into the brewery from Mill Street and softening the curb on the right hand turn from the bridge onto Mill. This would also ensure that the intersection in completed before 2020 when the state will be paving Rt. 50/Main/Lila.

Mr. Clayton requested proposals from: Kleingers, Roberts Engineering, MSP and Strand. MSP declined to bid, Kleingers and Roberts Engineering teamed up and presented a joint bid of \$28,700, and Strand presented a bid of \$41,600. Kleingers/Roberts bid is lower because they both have already done some of the initial work in the area for the traffic study and the engineering for the brewery. The committee discussed the pros and cons of each proposal.

The committee agreed to make a motion to draft an ordinance authorizing the City Manager to enter into an agreement in the amount of \$28,700 with Kleingers/Roberts Engineering for the design services for the Mill and Water Street Intersection Improvements. Mr. Brady seconded by Ms. Russell. Mr. Albrecht voted present all others voted yes

Mayor Howland mentioned that Dale Roe, the developer of the Brewery, has offered to add a small island in the street for aesthetics if there is room. There was discussion about a small island, but there probably will not be enough room to add it without losing parking spaces, which are already at a premium in that area.

Public Works Facility Update

The soil samples taken by the engineer at the sight for the public works facility show that we will not be able to construct the facility on the current location due to the instability of the soil. Mr. Clayton presented an alternative site for the facility to be constructed along the Bay Road side of Garfield Park. He is trying to keep it on a property that we already own, and the best alternative we have determined is Garfield Park.

The proposed plan is to construct the facility in the area where the shelter and playground are currently housed and move them to the East side of the park and create a nicely landscaped barrier in between. The park and the facility will share a parking lot. Geotechnical samples are being taken this week to determine if the location is feasible. We are trying to keep it close to Bay Rd as possible since the salt bin and all of the equipment is stored at that location. There also may be an opportunity to add public restrooms on the outside of the facility for use by people at the park.

The committee discussed the status of Clertoma Park and thinks it may be worth a conversation with the rest of Council to see if we need it, or if it would be better to sell it and use the money to make Garfield Park even better since they are across the street from one another and Clertoma Park has no parking.

The Committee supported moving forward on the Garfield Park site based on geotechnical results and will have further discussion on selling Clertoma Park.

Tree rebate program

Mr. Doss presented a new program that he would like to roll out to residents beginning May 1st that will encourage residents to plant trees in the community. Trees offer a variety of benefits including contributing to a healthy watershed and river, intercepting rainwater reducing stormwater runoff and shading homes keeping them cooler and conserving energy. In order to participate the resident will have to choose from

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trees approved by the City of Milford and submit a permit prior to planting the tree, so the public works department can ensure that the tree and/or its roots will not interfere with utilities. Mayor Howland mentioned that in the South Milford Neighborhood Association newsletter they were encouraging residents of their neighborhood to plant trees, so this would be a good program for them to take advantage of as well. She also asked if we can add landscape to the Small Business Incentive Program and noted that there are a lot of businesses along Lila/Main that may be able to benefit from reimbursement for those types of improvements. The committee agreed to make a motion to draft an ordinance creating a tree rebate program in the City of Milford. Mr. Brady seconded by Ms. Russell. Mr. Albrecht voted present. All others voted yes.

Ms. Brewer made a motion to go into Executive Session pursuant to section 3.053 of the Milford City Charter to discuss with the City Law Director pending court action involving the city. Ms. Evans seconded by Mr. Brady. Mr. Albrecht voted present all others voted yes

There being no other business the meeting was adjourned at 8:45am by Vice Mayor Brewer.

City Manager’s Report:

MEMORANDUM TO: City CouncilCC: Mike Minniear, Law DirectorJackie Bain, Administrative Assistant/Clerk FROM: City Manager DATE: April 4, 2017RE:Manager’s Report

CITY MANAGERDowntown Business Development – Four businesses are opening in beautiful downtown Milford this month. Harvest Market is scheduled to open April 5, Jackson Whitacre’s grand opening is scheduled for April 22 and Sweet Bliss Bakery and Coffee will be announcing an opening date in the next couple of weeks. Viox and Viox, Inc. anticipates being fully operational by the end of April.

2017 Comprehensive Plan – A survey associated with the comprehensive plan is included in the April utility bill. An online survey will be available on our City website in the next couple of weeks.

Board and Commission Vacancies – There is a vacancy on the BZA and Personnel Commission. Individuals interested should provide a letter of interest to Pam Holbrook for BZA and Lori Pegg for Personnel Commission. The deadline for letters of interest is April 28.

PUBLIC WORKS Public Works Facility –Alt & Witzig conducted geotechnical boring at Garfield Park last week. We anticipate receiving the geotechnical report from Alt & Witzig by April 14. Once the report is received, the City can finalize design and provide a cost estimate for committee/council. Stormwater

Division Storm Sewer Outfall at 208 Mill Street- The city is finalizing a contract with DER for reconstruction of the outfall. Street Division State Route 28/Main Street – The department anticipates

receiving a final set of design plans and cost estimate by the end of next week. The project is expected to begin after Frontier Days and be completed by mid-summer. Wastewater Department 2017 Sewer Lining Project - If approved, Miller Pipeline will begin relining in the next couple of weeks. The areas to be lined include: Mound Street, Cleveland Avenue, Laurel Avenue and Gatch Street

STANDING COMMITTEE MEETINGS Community Development Committee April 6 at 4:30 p.m. Ms. Evans asked if Mr. Albrecht is going to replace Justin Bonnell’s seat on this committee. Ms. Howland stated that she appointed herself as Mayor to the Community Development seat but Fred Albrecht will discuss if he would like to fill the seat or be on Safety Services Committee. Ms. Howland asked if anyone is interested in switching committees for any reason. Please email the Mayor and we can discuss. REMINDERS Still time to register for the

Easter Egg Hunt on Saturday, April 8th beginning at 10:00am at Riverside Park. Check out the City’s website to register. April 22nd Spring litter cleanup in the City from 10-12, register at

www.springlittercleanup.comApril 29th from 10am-1pm: Free community shred and electronic recycling in the lot of the city building at 745 Center Street. May 19-21 Yard sale weekend

Police department report:

Interoffice Communication Date: March 30, 2017 To: Michael Doss, City Manager From: Jamey Mills, Chief of Police Subject: Monthly Report to City Council

This report summarizes the various activities and functions of the Milford Police Department during the month of March. TRAINING 1. All sworn members attended range training and were qualified on their

issued firearms. 2. Assistant Chief Mahan completed a forty-hour course at the Southern Police Institute. 3. We hosted an ARIDE (Advanced Roadside Impaired Driver Enforcement) training at the Wyler Family

Automotive Headquarters. Officer Kenney was the instructor and Officers Mell, Chastain, Fannin and Dennis attended. NOTABLE CRIME OCCURRENCES were isolated. UPCOMING EVENTS 1. The annual

sergeant’s in-service training will be held on April 27th. 2. We will be hosting a Drug Take Back on April 29th. 10-2 Tentative location: Walmart Reminder: We only take prescription pills. No needles or liquids

taken back. ADMINISTRATIVE 1. Assistant Chief Mahan and I attended the State of the Community presentation on March 15th. 2. Assistant Chief Mahan implemented scheduling software that will improve

our efficiency. COMMUNITY RELATIONS 1. Our multi-jurisdictional Junior Police Academy was held this week. It was a big success! 2. Officer Kenney received an Award of Excellence from MADD at their

annual awards luncheon. 3. Sergeant Lane and Officer Wilson attended the Artsy Fartsy monthly meeting which focused on breaking down police stereotypes.

Ms. Howland asked if the department gets back a lot of the drugs. Chief Mills said that sometimes they have hundreds of pounds and other times 10 pounds. We bring in enough to justify doing it again. We also have a drop box in the lobby now. We take back only pills.

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Fire and EMS Report:
Welcome to Mr. Albrecht on behalf of the Fire department. April training Fire - Officer classes, Simulation mannequin coming in from Christ Hospital of critical medical emergencies. The department is also participating in live fire training to be held at the Cincinnati Fire training academy grounds in conjunction with Union Township, Miami Township and Terrace Park departments later in the month. They are also attending Instructor's Conference in Indianapolis. The Chief also took a moment to compliment the employees at Target. There was smoke in the storage room which turned out to be one of the self-propelled floor cleaners. It had short circuited and the fire damage was contained to the unit and most of the smoke was contained to the room. The first responders from the scene at Target did a wonderful job and grabbed a fire extinguisher and put the fire out. Of course the fire alarm was set off and the notified the Fire department. No injuries, good outcome and no damage other than to the piece of machinery. They did a really good job in preventing a much worse situation! Reminder: The renewal Levy on the ballot May 2nd. We hope to see that supported.

Public Comments: none

Council Comments: Ms. Evans wanted to comment on Memorial Park. It looks horrific because no work has been done in approximately 3 weeks and it will look terrible for Memorial Day. Mr. Doss said that they are waiting on some additional good weather days and that the contractors will be contacted. Ms. Howland wanted to let the public know that it is a county contractor. Mr. Nate Clayton approached council and let them know that he will contact them again tomorrow. It should not take them more than three days to pour the concrete and he has the exposed aggregate to do as well as the rest of the sidewalk up to Main Street. Ms. Evans asked if there was to be a curb there. Mr. Clayton replied that there is no curb there but he has been in contact to get him in to complete the work. Ms. Brewer asked about the completion of Brooklyn Avenue. Mr. Clayton said that the county has been contacted this week and they are supposed to be fixing the pavement this week but due to weather conditions and the forecast of weather it is not the best conditions to work on outside projects. They are supposed to be in later this week, maybe next, depending on the weather. Mr. Doss mentioned that we had to place some gravel at the site this afternoon to help fill the pothole up a bit. Mr. Brady stated that Duke may be good at laying electrical, even underground but they are not good at landscaping. On State Route 131 they have done only a mediocre job of refilling holes, dirt and rocks inside people's yards. Mr. Clayton stated that he would be in contact with them again but once again trying to finish grade in mud is difficult. He would make sure they actually come back and finish up and grade the properties. Ms. Evans mentioned the Committee moving forward and supporting the move to Garfield Park. What exactly does that mean? Are we going to have any more say on this? Mr. Doss said that at this time the geotech samples did not come back favorable for the Bay Road location. We are looking at other locations. We wanted to look internally at other properties that we already owned instead of trying to acquire properties. We wanted to look at properties that gave us the campus access and Garfield Park made sense from that standpoint. We are running geotechnical samples at the park now. If the park is the location then we would take the playground equipment and flip it to the other side of the park. It would still leave parking there. Bathroom facilities would be added to the park. We are taking up a bit of the greenspace but not taking away any of the amenities that are there. Possibly placing a gazebo there for the residents utilizing that park. WE have thought about Clertoma Park but there is no parking at that location and there is no space to relocate the playground equipment there. Ms. Evans is concerned with restrooms and whether or not our staff had time to maintain them. Ms. Howland said that the restrooms facilities would be open as the Riverside Park restrooms are. MR. Doss said that since this project is considerably expensive, we may have to change some configurations. There will be costs associated with that. Approximately a cost of \$1, 8 to \$2 million dollar project. This will all run through committee. We are trying to find a new location without spending more money for property acquisition. Ms. Brewer wanted to talk about the Clertoma Park property and to discuss wither or not we want to consider selling it. Ms. Evans did not see the need to sell it since it is not hurting anything and it does not have any costs associated with it. Ms. Howland mentioned that there is a maintenance cost for the park. Ms. Brewer asked if we need the park. Ms. Evans asked if it is accessible for anyone to build on the property. Ms. Brewer said that any existing land owner or home owner could buy it. Ms. Howland is okay with selling it. The money could be reinvested back to the park across the street. Mr. Brady was not ready to make any decision at this time. He would like to look at all options. Ms. Russell would like to have more research on the property. She makes it a point to look to see if the park is being used and it never seems to have anyone there using it. She likes to make sure the park is being maintained but it is hard to see from the road. The funds could be reinvested in the park across the street. Mr. Haskins feels that we should look into it. Mr. Haskins also asked if there were any updates to the information about the cell towers State Senate Bill 331.

Mr. Doss said there were no updates. Ms. Howland mentioned to discuss the 17-603A Resolution Strongly Opposing the State of Ohio Governor's Proposed 2017-2018 budget. Mr. Burke strongly opposes this and he would like council to take a position opposing that the state essentially takes this out of the city's hand. AS it states, it will cost a substantial loss of revenue needed to support the health, safety, welfare and economic development efforts of Ohio municipalities in declaring an emergency. Does anyone have any comments? Mr. Minniear asked if they could adjourn into Executive Session and then return to read the Ordinances. Ms. Howland stated yes that they will adjourn at this time to Executive Session. Ms. Russell made a motion to return to Regular Session Council meeting seconded by Mr. Brady. Mr. Albrecht voted Present. All voted others voted yes.

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New Business:

Ordinances and Resolutions

- 17-603 A Resolution Strongly Opposing the State of Ohio Governor’s Proposed 2017-2018 budget, which proposes Centralized Collection of Net Profit Tax Returns and Other Provisions Related to the Municipal Income Tax Which will cause a Substantial Loss of Revenue needed to Support the Health, Safety, Welfare and Economic Development Efforts of Ohio Municipalities, and Declaring an Emergency Ms. Brewer made a motion to adopt. Seconded by Ms. Evans Mr. Albrecht voted Present All others voted yes
- 17-1269 An Ordinance Authorizing an Agreement with Miller Pipeline for Sanitary Sewer Lining Ms. Brewer made a motion to suspend the rules and read by title only. Seconded by Mr.Brady. Mr. Albrecht voted Present. All others voted yes Ms. Brewer made a motion to adopt. Mr. Brady seconded the motion. Mr. Albrecht voted present. All others voted yes
- 17-1270 An Ordinance Authorizing an Agreement with Kleingers/Roberts Engineering for The Mill and Water Street Intersection Design Improvements Ms. Brewer mad e a motion to suspend the rules and read by title only seconded by Mr. Brady. Mr. Albrecht voted present. All others voted yes Ms. Brewer made a motion to adopt. Seconded by Mr. Brady. Mr. Albrecht voted present. All others voted yes
- 17-1271 An Ordinance to Establish a Tree Rebate Program for the City of Milford Ms. Brewer made a motion to suspend the rules and read by title only seconded by Mr. Brady. Mr. Albrecht voted present. All others voted yes. Ms. Brewer made a motion to adopt. Seconded by Ms. Evans. Mr. Albrecht voted present. All others voted yes.
- 17-1272 An Ordinance Authorizing the Settlement of Litigation Ms. Brewer made a motion to suspend the rules and read by title only. Seconded by Mr. Brady. Mr. Albrecht voted present. All others voted yes. Ms. Evans made a motion to adopt. Seconded by Mr. Brady. Mr. Albrecht voted present. All others voted yes.

Mr. Minniear wanted to remind people that he is the attorney for the City of Milford. No one on City council is a lawyer. He represents Council, all the staff, and all the employees of the city. We rely on him to give sound advice, render legal opinions and make recommendations. When they rely on his advice and act in accordance with his recommendation, and he is wrong, that is on me and it is my responsibility. The people on council are not lawyers. I do, I always will take full responsibility for everything I do. This particular litigation, in my belief, we followed the charter of the city of Milford and the person that sued us disagreed with that. That is why they have lawsuits, lawyers and judges. When everything that had anything to do with this entire case from the beginning of the lawsuit and what the lawsuit was about was based on my recommendations, my advice, my opinions. Many people on council were reluctant to settle this lawsuit. But I thought in my opinion that it was best to let the lawsuit be settled and end it now before we continue it any further. If there is any blame to be accepted for this or any responsibility to be assumed, not by any of them, it’s by me. If there is a problem with anyone out there, that has a problem with anything that we are doing, my number is in the book. Give me a call. Mr. Brady wanted to make the comment that we are all in it together and personally we respect your opinion and council and appreciate what you do. Thank you. Mr. Minniear mentioned that he is very paternalistic when it comes to the city. His primary priority is to make sure that council, staff and the employees are well represented. It is extremely important to Mr. Minniear. He takes it very seriously. Ms. Howland made the comment that the hard work that he does and the staff and council have done over the last 6 months, to remind everyone that Mr. Minniear is the rock. We are a small city. The seven people that you see sitting on council are your neighbors and your friends first and foremost. I encourage you that if you feel that we are not following a code have a conversation with us. That is what this is about when you live in a small city. You love it and you love your neighbors yet you may disagree with them but have a conversation with them. We do not hold Mr. Minniear accountable for this. I do not feel that you need to sit here and say that you are responsible for all of this. It is just the course of business in the city and hopefully going forward we can avoid it. And for those out there who do have an issue with the city or something that we are doing, please, we encourage you to come and talk to us. Mr. Minniear said that the city has been extremely fortunate to not have been the subject of much litigation. I believe the reason is that this is a small town, community and people used to either come to Mr. Minniear or council with any issues. There has always been discussion and communication and not someone rushing to the courthouse to file a lawsuit. It is extremely rare. If you think we made a mistake or did something wrong, a lot of it can be rectified by communication and not by going to court and filing a lawsuit. It will just end up spending the city money. We are spending money here on our lawyers and settling this case and this money could have been used for the greenspace or for something for Milford/Main or other things in the city. Ms. Howland said that this is why we have agreed to settle. This is the taxpayer’s money. And why we see not fault on behalf of the city, or anything that Mr. Minniear has done, the city has taken the action to settle this lawsuit simply so we could find better use of your money elsewhere throughout the city. Ms. Russell also stated that we could also use our time towards the city and not a lawsuit.

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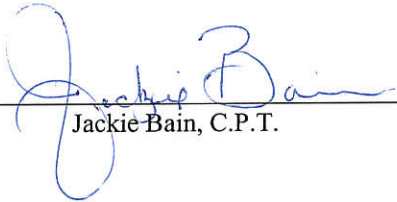
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Old Business: none

Adjourn: There being no further business to come before the City Council; Vice Mayor Brewer adjourned the meeting at 8:43 p.m. with a motion from Ms. Evans; Seconded by Mr. Brady. Mr. Albrecht voted present. All others voted yes.



Jackie Bain, C.P.T.



Laurie Howland, Mayor