Minutes of

Held

Regular Meeting

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

June 6, 2017

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The Council of the City of Milford met in Council Chambers at 745 Center Street at 7:00pm on June 6, 2017. Mayor Howland called the meeting to order with the Pledge of Allegiance and a Moment of Silence.

Roll Call: Present: Mayor Howland, Vice Mayor Brewer, Ms. Russell, Mr. Brady, Mr. Albrecht, Mr. Haskins. Ms. Brewer made a motion to excuse Ms. Evans. Mr. Brady seconded the motion. All voted yes

Introduction and Presentation: A special presentation by Fire Chief Baird and the son and daughter of Retired Chief John Cooper who recently passed away, John Cooper Jr. and his sister Missy. They wanted to first say to the community and to council just how deeply they were touched by the support and the compassion of the community. It meant a tremendous amount to us. The turnout of the services was just extraordinary and he thought it exemplified his father's life. And he would have been touched and very proud. Thank you very much to everyone and their support. He would like that when people look at the portrait that will be presented to council tonight that they think of this: Attribute of my father that I admired the most was that my father was an actor. He was a man that chose to act when he recognized a need way beyond his basic obligations. My father was a volunteer. My father was a doer. He contributed his time and his efforts and his talents to complete many tasks, jobs and missions. My father was a volunteer. Joyful. He found joy by giving more away than he took in and by doing so he stored up many, many treasures. My father was a volunteer. Rich. My father was rich in his good works and his deeds. And he was generous. And he was always ready to share. My father was a volunteer. Content. My father was confidently and calmly content in serving others. He was a volunteer. A builder. My father spent numerous hours, days and his time mentoring and developing and building others to look out into the community and to build up the community to serve others to do good so that we all are all able to rise up and prosper. My father was a volunteer. And he reached out and he is asking all of us to step forward and volunteer. Thank you.

Fire Chief Baird took a couple of minutes to make some acknowledgements. He wanted to thank the City Law Director, Mr. Michael Minniear for originating the idea of having Chief Cooper's Portrait displayed beside the many other notable figures in the city's history. The Cooper family is thrilled that John is being honored in this manner. All be it much sooner than we would have liked. Chief Baird asked all of his coworkers that were attending the meeting to stand, along with their spouses. Chief Baird said that he works with some really great people and he is thrilled to do it. We have been through this right beside the Cooper family from the beginning. Chief Baird wanted to thank all of them and the support that they received at home. The Chief then introduce Mr. Bob Kisro representing the Fire Board, he is the Treasurer of the Board of Trustees and he along with Mr. Doss. He thanked them both. Also Fire Chief Otto Huber and thanked him for being there this evening. Chief Huber and Chief Cooper shared a very close personal relationship that extended well beyond the fire department. The night of John's death, Chief Huber and his crew were among the very first to arrive at our fire station to lend us a hand and help cover runs and be of assistance to us as we coped with the tragedy. That is what great neighbors do. We have done and still do the same for other fire departments in need.

On behalf of the Cooper family and the members of the Milford Community Fire Department and all of his friends and family, Missy and John present this portrait to the City of Milford, to display in memory of retired Chief John E. Cooper Sr.

Ms. Howland: on behalf of everyone on council, thank you for sharing your father with us. It was a true gift. Ms. Howland shared a story recently with a local reporter of how Chief Cooper helped her own daughter with a bullying issue in the past. A local reporter ran the story in the newspaper. Your father continues to give. Ms. Howland received a call about a week and a half ago. A parent had read the article about what your dad did. Her son was also bullied and it gave her hope that there were good adults out there that are good mentors. She told Ms. Howland that the world needs more Chief Coopers. Thank you for sharing your father with us. He was an extraordinary man. Someone I will never forget.

Mr. Minniear wanted to thank Chief Cooper and stated that all the credit goes to council. It is always their decision to honor somebody by putting their portrait on which I consider to be a very great honor. Only in the most formal of circumstances did I ever refer to him as John. I always called him Super Coop! He was the closest thing to a Superhero that we have in Milford. He is going to be missed.

**Proceedings:** Mr. Brady made a motion to adopt the Proceedings from January 3, 2017; seconded by Ms. Russell. Ms. Russell abstained. All others voted yes.

Correspondence: Certificate of Result of Election Results - Tax Levy in Excess of the Ten Mill

Limitation (to be posted and a copy filed with the proceedings)

**Financial Statements:** Ms. Brewer made a Motion to Adopt the February, March and April 2017 Financial Reports; seconded by Mr. Brady. All voted yes.

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**Public Comments:** Nancy Meyer/Row House Gallery announced that Second Saturday Downtown, artist DeVere Burt will be there to talk about stories to do with John Audubon. Then June 24<sup>th</sup>, the gallery will be closed downtown Milford but will be at the Cincinnati Public Library. The library owns an 8 panel daguerreotype photograph of The Public Landing that was shot in 1848 from Newport. The artist Robert Coomer has permission to put the print the photograph and place it on steel. It will be the first time in 170 years that this photograph is back on metal again. The Historian from the Library, Chris Smith, will be talking about the original on July 8<sup>th</sup>, after 5pm.Steeling Cincinnati are the Google words to obtain additional information about the photograph.

Karen Wikoff – MMTCC wanted to thank the City of Milford, Milford Service Department, The Milford Community Fire Department, The Milford Police Department and all of the sponsors for the 55<sup>th</sup> Annual Frontier Days Parade and Festival. A shout out to Chief Cooper-We can all say that we were all very lucky to have known the man.

### **Standing Committee Reports:**

Public Services Committee Meeting Minutes June 1, 2017Called to Order: 8:00 a.m. by Amy Brewer Present: Amy Brewer, Fred Albrecht Staff: Michael Doss, City Manager; Nate Clayton, Public Works Director; Matt Newman, Asst. Public Works Director; Lori Pegg, Community Services Manager; Tina Kern, Interim Finance Director; Sean Mahan, Assistant Police Chief The committee agreed to approve the absence of Ed Brady. *Water Plant Lime Lagoon Cleaning Bid* 

Mr. Newman presented the bid results for the cleaning of the lime sludge lagoon at the water plant. There were three bids and Victory industrial Cleaning is lowest and best at \$70,000. This is the first time Victory has bid on the project and the cleaning will take around two weeks.

The committee agreed to make a motion to draft an ordinance authorizing the City Manager to enter into an agreement with Victory Industrial Cleaning for cleaning of the Water Plant Lime Lagoon in the amount of \$70,000. Mr. Brady seconded the motion. All voted yes

### Public Works Facility Financing

Mr. Doss presented a Financial Services Engagement Letter for the financing of the public works facility from Andrew J. Brossart at Bradley Payne Advisors. Outlined in his proposal, Mr. Brossart will offer advice on all options related to the financing of the public works facility from either a private placement or the bond market. The fees for his services will be dependent on the source of funding. The engagement of a Financial Services provider is not required by law for this transaction, but with funding of this amount it is recommended by Mr. Burke in order to find the best rate. Mr. Brossart comes highly recommended by Mr. Burke and will remain under contract until we close on the funding source for the project.

The committee agreed to make a motion to draft an ordinance An Ordinance Authorizing The Retention of Bradley Payne for Financial Advisor Services Regarding The Financing of The Proposed Public Works Facility. Mr. Brady seconded the motion. All voted yes

Mr. Doss also presented a proposal from Squire Patton Boggs to serve as Bond Council to the City in connection with the issuance of bonds for the funding of the public works facility. Bond Council will work with all parties to prepare funding documents for closing. If the City decides to go to the bond market for funding, there is extensive work that will be completed by the bond council that is required by law.

The committee agreed to make a motion to draft an Ordinance Authorizing the retention of Squire Patton Boggs to Serve as The City's Bond Council Regarding The Financing of The Proposed Public Works Facility. Mr. Brady seconded the motion. All voted yes

## Wastewater Treatment Plant Lift Station Repairs

David Walker presented a bid for repairs on the lift station at the wastewater treatment plant. This lift station has to be operational 24/7 and with these repairs it should last for another 20 years. There is only one bid because of the circumstances of the work, it is confined space and forty feet underground. This company is reputable and did an inspection prior to the bid, so they know what maintenance needs to be done. If not maintained it would be very expensive to rebuild in the future. The city has 8 lift stations and this one is the deepest and handles half of the city's flow.

The committee agreed to make a motion to draft an ordinance authorizing the City Manager to enter into an agreement with Winelco for repairs to the lift station at the Milford Wastewater Treatment Plant in the amount of \$20,872. Mr. Brady seconded the motion. All voted yes

## Cultivation and dispensing of medical marijuana

The city has been contacted by several groups regarding our ordinances on the cultivation and dispensing of medical marijuana. With the passing of House Bill 523 last year, Ohio will be approving 24 applications between June 5<sup>th</sup> and 16<sup>th</sup> to cultivate medical marijuana. This is traditionally done in a small facility that is 3-9000 square feet. Currently, we do not have any ordinances regarding the cultivation and dispensing of medical marijuana.

The committee agreed to make a motion to draft an ordinance to prohibit retail dispensaries, cultivators and processors of medical marijuana within the city limits and declaring it to be an emergency. No medical marijuana related business or home occupation may be established, operated or maintained within the City, nor shall any provision of the Zoning Code be construed to permit the use of any property for that purpose. This prohibition shall apply to all zoning districts within the City. There being no further business Vice Mayor Brewer adjourned the meeting at 9:00am.

Mr. Brady asked why we would not want to allow this if approved by the State of Ohio. Ms. Brewer explained that there was a debate in the meeting over this. They wanted to see if there were any benefits to this. There are benefits to some who need it. The most compelling argument that Ms. Brewer and Mr.

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Albrecht heard came from Assistant Police Chief and his talked about what was currently going on in Denver. According to the Assistant Chief, this would be a cash business. They have increased crime rates out there. It was not good and things were not thriving well in Colorado. He felt that it would bring in more people searching for the drug and could cause for crime to go up since it was a cash business. Mr. Albrecht also mentioned that the Assistant Police Chief pointed out that the THC in this marijuana is much, much, higher than what you can get in the streets. It can cause overdose. It is a lot more dangerous. Another thing is that we could not really see an economic benefit to the city because it is 3,000 to 9,000 square feet and maybe two to three employees in a hydroponic system. What is the benefit? We were also looking at what other cities around us were doing. They are all jumping on the bandwagon and saying no right now. There is nothing to say that you cannot say yes later. Right now we did not want to be the guinea pigs. Ms. Brewer said that we want to see what others do at this time. We can always rescind, revise this ordinance. Until we know more we feel that we should say no right now. Mr. Brady said it would be helpful to capture some of this information in the minutes from the Police department in future minutes and thank you for the explanation. Mr. Albrecht stated that it was a good question from Mr. Brady. It is good to have the thought process out in the open. Ms. Howland mentioned that three things are going on out in Colorado since legalizing marijuana: 1 - No banks will take the money because it is still federally illegal. 2 - Kids are attending school high and it is automatic expulsion. They have not figured out how to handle the mass number of kids who after getting ahold of their mom and dads weed, come to school high. It has placed a strain on the school system. 3 - Tourists who come out to Colorado and don't realize that some of the food, like brownies, may have marijuana in them. They get high without realizing what they ate and end up in the emergency room. There are a lot of kinks in the system and education that still needs to be worked out. We do not need to be the Guinea pig. Mr. Brady seconded the motion. All voted ves

Mr. Minniear stated that council needed to make a motion on the whole to authorize Ordinance 17-1279 The compensation of the City Manager. Ms. Brewer made the motion. Ms. Russell seconded the motion All voted yes

City Manager's Report:

MEMORANDUM TO: City Council CC: Mike Minniear, Law Director
Jackie Bain, Administrative Assistant/Clerk FROM: City Manager DATE: June 6, 2017

RE: Manager's Report CITY MANAGER Economic Development Update - City staff will conduct a preliminary site plan meeting with a potential developer interested in a site located just off the Milford Parkway. The development would be substantial to the area and could provide the potential to serve as an economic development driver for future business expansion located on the Milford Parkway. More information will be presented to Council as this opportunity is advanced through the City. New River Canoe/Kayak Access - City staff continues to meet with representatives from the Little Miami Conservancy and other stakeholders regarding a new canoe/kayak take in and take out point along the Little Miami River. The potential project could provide a mix use of recreational opportunities as well as an economic development driver utilizing the Little Miami River and the historic downtown business district. Finance Director Applicant Update - The City received twenty-nine resumes for the Finance Director position. Copies of all the resumes will be scanned and distributed to Council later this week for review and input. Tree Rebate Program Update - The City has approved two applications for the newly established tree rebate program. The two residential properties are both on McCormick Trail. Any individual resident interested in applying for the program can visit the website for an application or stop by City Hall during regular business hours 2017 RPM Rally Porsche -Ohio Valley Region Porsche Club of America has once again announced that Milford will once again be hosting the 2017 RPM Rally Porsche. This marks the second year in a row that Milford has been selected to host the event. The event will occur Saturday, September 30th. Board of Zoning Appeals Vacancy - A reminder that there is a current vacancy on the BZA. Any individual interested in serving should send a brief letter of interest or contact Pam Holbrook or City Hall at 513-248-5093 PUBLIC WORKS Public Works Facility - McGill, Smith and Punshon is working on final design for the Public Works Facility at Garfield Park. Anticipate advertising for construction June 22. Anticipated Bid opening July 20. Memorial Park - Perkins Carmack of Milford is the new contractor for the project and began mobilization on June 5. The contractor anticipates that the project will be completed by the end of June 30. Service <u>Division</u> Municipal Building Floor Replacement- The City received bids for floor replacement on the 1st and 2<sup>nd</sup> floors. The department will make a recommendation to the Public Services Committee in early July. Seal Coating- The City received bids for asphalt seal coating Sem Villa tennis courts, City Hall, Carriage Way Park, Riverside, Bike Trail, Clertoma, Park, Police Annex, and Main Street parking lot. The department will make a recommendation to the Public Services Committee later in early July . Street Division Downtown Milford Corridor Phase I (State Route 28/Main Street) Update - Presently six contractors have picked up bid packages for the project. The project schedule is as follows: Bid Open June 14th at 2PMCouncil for Contract Approval July 11 (contingent upon committee advancement)Anticipated Start Construction- July 17-24Mill and Water Street Intersection Improvements - The project will assist with traffic flow associated with the DER development of the micro-brewery. The intersection improvements will be based on the traffic study completed by Kleingers earlier this year. Final design is due to the City by June 30. Wastewater Division 2017 Sewer Lining project - Laurel to Gatch-Miller Pipeline is working on lining the area. The contractor anticipates that the project will be completed by July 15. Discussion with the contractor to improve the notification to residents in the area was conducted and will improve moving forward with the project. High Street Sanitary Sewer Main and Bay Road Sanitary

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Sewer Siphon Line – McGill, Smith and Punshon and the City submitted for PTI May 31. The anticipated schedule for both projects are as follows: Legal Ad to Paper: June 7Bid Documents Complete June 9Bid Open June 30Council for Contract Approval July 11 (contingent upon committee advancement) Anticipated Start Construction- July 17 (Contract cannot be awarded or started until OPWC agreement is executed) STANDING COMMITTEE MEETINGS None at this time (The City anticipates a Public Services Committee Meeting in early July) REMINDERS 2017 Comprehensive Plan Steering Committee Meeting scheduled for June 14 at 6:30 p.m. "Sparks in the Park" Milford's Independence Day Celebration scheduled for July 3 from 6:00 p.m. to 10:00 p.m.2017 Comprehensive Plan Update and First Open House scheduled for July 11 at 6:00 p.m. (an hour before next regular City Council meeting) Milford New River Access Clean-up scheduled for July 16 at 9:00 a.m. (meeting at American Legion parking lot located at 450 Victor Stier Drive) Ms. Howland wanted to mention that there is also an opening on the Parks and Recreation Committee. The information will be on the city's website as well as the Facebook page.

Police department report:

Chief Mills wanted to give kudos to Fire Chief Baird on the presentation of the picture of Chief Cooper. He also mentioned that he has had many mentors in his years and Chief Cooper is at the top of the list.

Michael Doss, City Manager From: Jamey Mills, Chief of Police Date: June 01, 2017To: Subject: Monthly Report to City Council This report summarizes the various activities and functions of the Milford Police Department during the month of May. TRAINING Sergeant Lane participated in a multijurisdictional hazardous material exercise hosted by the Clermont County Emergency Management Agency. The monthly policy review was on Arrest Procedures (G.O. 1.2.5)All sworn officers were assigned the following courses through the Ohio Attorney General's online training. Blue Courage (4 hours)Domestic Violence Update (1 hour)Civil Liability for Police Officers (1 hour)Search and Seizure (1 hour)Interrogations & Confessions (1 hour)NOTABLE OCCURRENCESA commercial vehicle accident on May 10th, resulted in the Milford Parkway being closed at US 50 for five hours. An elderly resident was reported missing when she didn't arrive at her destination in Florida. Detective Liming worked with the Ocala, Florida Police Department to locate the resident who had become lost. A breaking and entering offense occurred at the 3M building on May 24<sup>th</sup>. A death scene was processed on May 24<sup>th</sup> at the Fortress Storage on Main Street. *UPCOMING EVENTS*1. The week-long Junior Police Academy begins on June 5th. ADMINISTRATIVE Assistant Chief Sean Mahan received a Criminal Investigation Award at the Clermont County Law Enforcement Appreciation Banquet. Officer Russ Kenney sustained an injury on his annual fitness test. He was reassigned to light duty in the Records Section and covered Clerk Banks vacation. We have taken delivery of our new patrol Tahoe. It's in the process up being up-fitted. Officer Clark had a low-level use of force on a suspect who fled from an OVI crash on May 19<sup>th</sup>. His actions were reviewed by the shift supervisor, Assistant Chief Mahan, and myself, and were determined to be in compliance with policy and training. COMMUNITY RELATIONSI attended the ribbon cutting at Sweet Bliss on May 11th.Officer Clark attended the Texas Roadhouse Kids' Night on May 23rd.Residents are reminded that the Milford Police Community Partnership does not solicit donations over the telephone. OUTSIDE MEETINGS AND ASSOCIATIONS1. I attended the monthly Clermont County Police Chiefs Association meeting on May

Fire and EMS Report:

The Fire Board agreed to join with the Milford Community Fire Fighters Club to purchase a second thermal imaging camera. It is a \$6600 purchase and the Fire Fighters Club will pay half and the Fire Board will pay the other half. One engine is currently out of service for repairs but should be back by the end of the week. They are down to one engine at this time plus the ladder truck. The department is also in the process to award a contract for some significant repairs to be done at the station regarding the ceiling in the bay. A significant amount of drywall repair will also be done. The wall painting itself will be done by the department. The Fire Board met at a postponed meeting. Rescheduled meeting on May 31st. There is not going to be a June meeting. The next scheduled meeting is Monday July 17th.

Public Comments: Mr. Aaron Palasek was wondering if the police report that was cited for the marijuana dispensary regulation is going to be made available to the public? A police reported by the Chief of Police. Ms. Brewer stated that it was not a report but he attended a meeting and gave the Public Services Committee members his opinion about what he observed and read from Colorado. There was no report. Mr. Palasek mentioned that there were references to statistics and was wondering where the said statistics are so that he himself could examine them. Mr. Minniear said that they could be in the minutes which are public record and can be requested. Mr. Brady mentioned that they are not in the Public Services minutes and that is why he asked about the references from the meeting. Mr. Palasek stated that the reason he asks is that we deal in specificity and what actually happens and not feelings. He would like to see what the city government is basing their decisions on. Mr. Minniear suggested that Mr. Palasek contact him let him know what he would like and if it is available, to provide him with the information. And proceeded to say that if Mr. Palasek would like to meet after the meeting, he would give him his name and telephone number. Mr. Palasek agreed to do so.

Ms. Howland made a motion to appoint Mr. Charlie Evans to the Parks and Recreation Committee, ending in four years, ending in the year 2020. Ms. Brewer so moved the motion and Mr. Brady seconded the motion. All voted yes

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### **Council Comments:**

Ms. Howland mentioned that Second Saturday is coming up in Downtown Milford – Celebrate Dad. Many businesses have specials to offer. And it is only 30 weeks until Christmas and you can start your Christmas shopping early while you are downtown. The month of September will also be very busy with all of the events downtown. Reminder: we will not be meeting again for council until July 11<sup>th</sup>. The open house for the Steering Committee is also on July 11<sup>th</sup>. Ms. Howland wanted to comment the Steering Committee on what a wonderful group of people they are. She wanted to thank them for their time. The committee includes people from all different parts of the city.

Ms. Brewer wanted to give a shout out to Raptor, Inc. While at work they found an injured bird. They called Raptor Incorporated and their phone lines were down due to a tree issue. They were asked to leave a message with Mary. Ms. Brewer was on her way from work and decided to drive by their location on Barg Salt Run Rd. They rescue and rehabilitate injured birds especially one that become instinct. She found out that she had a female falcon that had broken her leg. They have about 40 volunteers, non-profit group looking for ways to be more recognized by the public. If the bird was to be rehabilitated, they could bring it back to the location it was found and release it back to the wild. They are a wonderful group of people and they have an open house on the last Sunday of each month, March through November. 1-4pm and it is free. They would also like to come to council and make a presentation and get some visibility and awareness.

#### New Business:

Ordinances and Resolutions

- 17-1279 An Ordinance Fixing the Compensation For the Milford City Manager
  Ms. Brewer moved to suspend the rules and read by title only. Mr. Brady seconded
  All voted yes
  Ms. Brewer made a motion to adopt Mr. Brady seconded the motion
  All voted yes
- An Ordinance Authorizing The Retention of Squire Patton Boggs to Serve as The
  City's Bond Council Regarding The Financing of The Proposed Public Works Facility
  Ms. Brewer moved to suspend the rules and read by title only. Mr. Brady seconded
  All voted yes Ms. Brewer made a motion to adopt Mr. Brady seconded the motion
  All voted yes
- 17-1281 An Ordinance Authorizing The Retention of Bradley Payne for Financial Advisor
  Services Regarding The Financing of The Proposed Public Works Facility
  Ms. Brewer moved to suspend the rules and read by title only. Mr. Brady seconded
  All voted yes Ms. Brewer made a motion to adopt Mr. Brady seconded the motion
  All voted yes
- 17-1282 An Ordinance Enacting Chapter 737 of The Codified Ordinances of The City of Milford Ohio Prohibiting Retail Dispensaries, Cultivators, and Processors of Medical Marijuana Within the Corporate Limits of The City of Milford, Ohio, And Declaring An Emergency
- 17-1283 An Ordinance Authorizing The Cleaning of The Water Treatment Plant Lime Lagoon
  By Victory Industrial Cleaning Ms. Brewer moved to suspend the rules and read by title
  only. Mr. Brady seconded All voted yes Ms. Brewer made a motion to adopt Mr. Brady
  seconded the motion All voted yes

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

17-1284 An Ordinance Authorizing An Agreement With Winelco For Wastewater Treat
Plant Repairs Ms. Brewer moved to suspend the rules and read by title only. Mr. Brady
seconded All voted yes Ms. Brewer made a motion to adopt Mr. Brady seconded the motion
All voted yes

Old Business: Milford/Main property discussion to be scheduled to put back on the agenda for July 11<sup>th</sup> City Council meeting. Ms. Russell mentioned that council was to discuss the different options for the property regarding quote information for landscaping and parking lot paving. Mr. Doss said the information on this was now available to bring to council. Mr. Brady asked if this information was brought to council, we are not going to make any decisions at that time? Ms. Howland said that they have the

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	choice to do so or not do so. Or continue to talk about it. Staff put together all the information and the bid information is now available to bring to council. Mr. Haskins mentioned that over the last couple of months notes have been taken. He entered the information into his computer and made them into a file then into a document and asked if he could give to council to read over and discuss at the next meeting. Ms. Howland stated that council can plan to discuss the information about Milford/Main at the July 11 <sup>th</sup> City Council meeting. And if need be, discuss it in August. And we will keep moving forward since it will become a budget issue too since we are getting so close to talking budget in the next few months. By then we can see where this will fit into the budget, etc. etc.	
	Adjourn: There being no further business to come before the City Council; Mayor Howland adjourned the meeting at 8:05 p.m. with a motion from Mr. Brady; Seconded by Ms. Rusself. All voted yes  Jackie Bain, C.P.T.  Laurie Howland, Mayor	
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