

RECORD OF ORDINANCES

Regular Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. December 5, 2017

Passed _____, 20_____

The Council of the City of Milford met in Council Chambers at 745 Center Street at 7:00pm on December 5, 2017. Mayor Howland called the meeting to order with the Pledge of Allegiance and a Moment of Silence for all those not able to be home for Christmas all though they are in our hearts, they are working in the military or other services.

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

Introduction and Presentation: Jay Stewart/ Kleingers Comprehensive Plan outline review with council on a high-level summary of the plan and the process. Mr. Stewart addressed three main planning themes with council. 1: Positioning the City for redevelopment opportunities. Consider coming up with a plan to acquire properties along the corridor area. 2: Rebranding the city 3: Focus on strategies to make Milford a destination city. The guides should help come up with ideas. Mr. Stewart asked that people get involved at a grass roots level. To get involved. Ms. Howland said that we have now had a second presentation on this and there has been time to review the information, council will vote to approve or not approve this plan at the next council meeting. Hopefully those that were on the Steering Committee stay involved and we can see some of these things to start moving forward. Thank you to everyone on Steering Committee and Pam Holbrook as well.

Public Hearing: Short Term Rentals- Pam Holbrook

Mr. Albrecht had a question regarding Short Term Rental vs. Bed and Breakfast facilities and how does it effect one or the other? And why are they treated differently within this Ordinance and wouldn't you have the same rules applying to the Bed and Breakfast as the other? Ms. Holbrook said that we didn't look at changing the BNB right now. The BnB is a conditional use. It has to be approved by Planning Commission. Short Term rental would basically be for someone coming in filling out an application and staff approving it. BNB there can be consideration for the Health Department. BnB is more of a commercial use. Short term rental is more for residential use. Even though they are bringing in income it is still classified as residential. Down the road we may want to look at rentals in general as closer. Conversations about tracking rentals and other conversations regarding long or short have been discussed. Milford owner occupied housing vs. rentals it was 45.8 to 45.9 vs. rental and owner. Loveland's owner occupied was 76.1. It is something to keep in mind as we move forward. The concern for property maintenance complaints that we get, are they mostly rental units or are they 50/50 owner occupied rental. Ms. Brewer asked if the other communities have restrictions on rentals that were just mentioned? Ms. Holbrook said that she could not find anyone local that was at this point. It is a new problem for communities. Ms. Brewer asked about enforcement. Are the police going to have to monitor if someone is serving breakfast on the table each morning to differentiate between the BNB and the Short-Term Rental? Ms. Holbrook said that if you are advertising on AirBNB then you would be considered a short-term rental. We are not regulating how long you stay. But if you are offering it for three days, then you fall into the short-term rental category. I am not really monitoring how long you are staying somewhere, it is whether you are advertising on AirBNB or Bookings.com, then you are opening up your house, or bedroom to a two day stay, or a three day stay. Ms. Howland mentioned that they just had a BNB come before Planning Commission. We discussed if we wanted it, were there more on the same street and what would be the impact in that neighborhood. Regarding the BnB we went into great lengths regarding lighting and the parking situation. It is much more of a commercial activity. When they come before Planning Commission we have a lot more criteria to go through with the BnB because it is a full-blown business. How they were going to operate, where the bedrooms were, etc., etc. They were treated in two completely different ways. Ms. Holbrook agreed, the BnB is treated as a commercial activity as where the short-term rental is a person, short term rental, renting out a room for a night or two nights. Mr. Dino Pelle approached the podium and discussed with council that he could possibly help with a few of the questions. Regarding Mr. Albrecht's question regarding the BnB vs the AirBNB: Airbnb is kind of a misnomer. It is a misnamed company that did really well. It is just the name of the company and not actually a BnB. The state regulates that. In order for it to be a bed and breakfast, you go to the state to get licensing. Taxes are also paid versus a resident who is trying to make some extra money basically. In the case of an empty nester, a section of a house may not be used and why not rent it to someone? I cannot put advertising out for example and the only thing that I can do is be on AirBNB. If I did I would automatically be considered by the State as a BNB, institution or a commercial business vs a resident trying to make some extra money. Mr. Albrecht asked if the state differentiates between owner occupied and non-owner occupied? Mr. Pelle said not that he is aware of. It was discussed in Planning Commission because we were concerned that if there wasn't an owner on the property or some kind of management at that property nearby. You could get into a situation where someone is just renting it out and as a business model could circumvent the whole idea. This being a residential kind of business vs a residential business. You run a higher risk of windows breaking, parties, and unsupervised property. There is a big difference in how you would operate a commercial property vs a residential one. Mr. Brady asked how does this effect what Mr. Shannon is trying to do? Ms. Holbrook said that if council were to approve the language as it is written, then Mr. Shannon would not be permitted to operate as a short-term rental on Airbnb. Mr. Brady stated that other people are still renting out entire houses to people for months at a time. Ms. Holbrook said they are and Mr. Shannon could do that. This is not affecting anyone doing more than 30 days and if you were doing less than 30 days and advertising on Airbnb, there would no way to find out unless someone reported you. You are using the websites to track down in case someone complains. You could then look up on the

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website if they exist or not. So far there have only been two, but over the past couple of months I have been called three times over someone asking for guidelines. Ms. Holbrook has explained that they are going over the amendment process of this information to see what council would do. Emily at RRT said that there has been people interested staying somewhere near the bike trail and not wanting to ride all the way up to Holiday Inn. They can be directed to Mr. Pelle's. And in most cases Mr. Pelle was booked. There is a market for this and it does fit in as Milford as a destination point. It is a whole new generation and a new way of doing business. The money that comes in is nice for the homeowner that they can apply toward maintenance. A person listing their house on Airbnb is going to keep their house maintained or they will not be successful on Airbnb. Ms. Brewer said that in Mr. Shannon's case he did try to sell his house and was not successful. He did try to get a permanent tenant. He did find through Airbnb he could rent it. He was able to rent for 77 days in 2016 and 118 days in 2017 and was able to maintain his property and make some income. MR. Brady mentioned that Mr. Shannon could have sold it, but did not like the price. Do we have any kind of control regulation oversight over the longer-term rentals? Ms. Holbrook said that we are using what is in the property maintenance Ordinances which applies to anyone owning a home in Milford. He said that he does have a person that maintains the property just a few houses down from his property. Ms. Howland said that from the Planning Commission Mr. Pelle's property was the first one brought to their attention because a lot of neighbors were complaining about Mr. Shannon's property. There would be 5 or 6 cars there and they would be parked onto the sidewalk. And they are only there for one night then gone. It was causing a lot of headaches with the people in the neighborhood. They researched Airbnb and found Mr. Pelle's property as well. A lot of the people that attended the meeting did not have a problem with Mr. Pelle's property, but did with Mr. Shannon's. Planning Commission looked at this since there was not an owner on the property at Mr. Shannon's with not knowing how many people were staying there and for how long. They have caused a lot of ruckus. In addressing this we have had discussion regarding the rental properties that are owner occupied and non-owner occupied and keeping the integrity of the neighborhood and still being neighborly. We felt it was lost when there was not an owner in the house. Mr. Albrecht said that he appreciates the work that the Planning Commission has done. He said that the only dilemma he has is and understands the limiting the number of the Airbnb's in an area. Are we awarding a monopoly? And the discussion of 300 feet, there is not even 300 feet between my neighbor property and my own. Does that necessarily mean that one can have the rental property and the other cannot? It is a struggle because I am allowing one person to have and the other person cannot have. Ms. Holbrook said that you are rewarded if you are first in. The neighbor within 300 feet may be able to do it but would have to get approval through the Board of Zoning Appeals. With the BZA Ms. Holbrook sends out letters to the neighbors within 800 feet. You then get a sense if the neighbors are okay with it. If they are okay with it and they think you are a responsible person, then it may be approved. Ms. Howland said that it is a transient business and you have people that are coming and staying and we are trying to keep a whole block in a neighborhood from becoming Airbnb's. I do not know if there is a right answer to this and it is tough.

Proceedings: Ms. Evans made a motion to approve the Proceedings from November 4, 2017 Special City Council Meeting; seconded by Ms. Russell. All voted yes. Ms. Evans made a motion to approve the Proceedings from November 14, 2017 Special City Council meeting; seconded by Mr. Brady. All voted yes.

Correspondence:

- Appoint Elected Official to the Ohio-Kentucky-Indiana Regional Council of Governments Board of Directors for 2018 - Ms. Brewer was appointed. Ms. Howland made a motion to re appoint Ms. Brewer. Ms. Evans seconded the motion. All voted yes
- City council needs to appoint/reappoint two (2) members to serve on the Volunteer Firefighters' Dependents Fund board. Ms. Evans made a motion for Mr. Haskins and Ms. Russell to be appointed. Seconded by Ms. Brewer. All voted yes.
- List of Proposed New Rates from Duke Energy – to be available upon request and posted at City Hall.

Financial Statements: None

Public Comments None

Standing Committee Reports:

Safety Services Committee Meeting

October 18, 2017 Called to Order: 8:00 a.m. by Ted Haskins Present: Vice Mayor, Amy Brewer and Council Member, Ed Brady Staff: Michael Doss, City Manager; Chief Mark Baird and Asst. Chief Mark Flanigan from MCFD and Lori Pegg, Community Services Manager.
Discussion of existing square footage requirements for fire protection
The City of Milford requirements for fire protection in new construction call for sprinkler systems, horns and strobes and pull stations in any building over 5000 sq. ft. The State of Ohio requirements require buildings over 12,000 sq. ft. to meet these requirements. The committee wants to ensure that our requirements are not putting us at a competitive disadvantage when trying to attract new development to the City of Milford. The cost to meet our requirements can be upwards of \$15,000 for a new facility.

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Chief Baird gave some background on the City’s requirements. In the mid 1980’s City Council passed an ordinance based on requirements set forth by the City of Blue Ash that set a higher standard of community protection and enacted the above requirements for new construction in the City of Milford. This standard has been in place for over thirty years and the standard has put Milford at the forefront as a very safe community. This discussion was a result of two commercial properties in the City that were sent back for review by the fire department and the plans had to be amended within the past year. Both properties had sprinkler systems that were designed properly, but failed to comply with the alarm system requirements of horns/strobes and pull stations. All other requirements were met with the exception of these two. In both cases the designer missed the requirements in the City building code. Chief Baird stated that the information is readily available and in his professional opinion does not believe that because it was missed by designers in two instances that there is an argument to make major changes in the safety protection that the City has in place. If these requirements were changed it would be a significant shift in the fire protection for this community especially with the poor materials and lower standards of construction that are being used in the building industry. The Fire Department trained just last week in a burn trailer, just for these reasons. Some buildings are practically put together with particle board and glue and cause very hazardous conditions when trying to fight a fire and their main concern is getting the victims out and not having to enter those types of buildings. Our standards ensure that buildings that would not normally be required to have these fire protection systems in other Ohio communities would be much safer when constructed in the City of Milford that requires they meet these standards. Chief Baird also mentioned that these standards come with insurance breaks for the additional safety, and benefit the community so we don’t lose an entire block of buildings if a larger structure does catch on fire. As far as the competitive balance, he asked if this standard had stopped anyone from building in the City and no one could recall that ever coming up. He mentioned the City of Loveland and the recent fire in their historic downtown has prompted them look at offering an incentive for some of the downtown buildings to increase their fire protection to avoid losing an entire block if something were to happen. Mr. Brady asked if we had any incentives for existing businesses that were built before the standards were put into place to upgrade their fire protection systems. Mr. Doss noted that the City’s incentive plan was updated last year to include internal improvement such as fire protection and HVAC, instead of just external improvements. The committee agreed that there is no compelling reason to change the standards that are currently in place. There being no further business the meeting was adjourned at 8:40am Respectfully submitted, Lori Pegg, Community Services Manager Mr. Haskins thanked Chief Baird and Chief Flanigan for attending the meeting. They gave us a great deal of information.

Ms. Brewer made a motion to go into Executive Session at the conclusion of tonight’s agenda pursuant to section 3.051 of the Milford City Charter for the purpose of considering the discipline of a city employee. Ms. Howland seconded the motion. All voted yes.

City Manager’s Report:

TO: City Council CC: Mike Minniear, Law Director Jackie Bain, Administrative Assistant/Clerk
FROM: City Manager DATE: December 5, 2017RE: Manager’s Report
CITY MANAGER Milford/Main Design Statement for Qualifications Update – The City received six statements of qualification from interested firms. The next step in the process will be to schedule Council interviews with the top three firms as determined by Council. Public Works Facility – Reminder that Garfield Park will be closed until spring for pavement placing. The memorial trees are temporarily relocated to the east side of the park during construction. DER change order to improve the façade was approved November 4. A progress coordination meeting was held November 30. The building pad foundations should commence in the next couple of weeks. PUBLIC WORKS Service Division
2018 Landscape Bids – Landscaping bids were opened December 1 and the City received three bids. The bids will be provided to the Community Development Committee for review and consideration.
Cemetery Grounds Maintenance Bids – The existing contract is expiring at the end of 2017 and staff is advertising the new 1-3year Cemetery Grounds Maintenance Contract. Pre-bid Meeting is scheduled for December 6 at 2pm. Bid Opening is scheduled for December 13 at 2pm. Bids will be provided to the Community Development Committee for review and consideration. State Route 28/Main Street –Adleta Construction is under contract. Public Works installed the conduit on the eastern side of the project. Eastbound work should be wrapping up this week weather permitting. Curb work and catch basin repair on the westbound side should start the week of December 11 and is scheduled to be completed by December 15. Mr. Doss stated that he appreciates all of the businesses patience during this construction. Mill and Water Street Intersection Improvements Phase II – New poles, signals and required signal modifications are being advertised starting this week for a January 2018 notice to proceed.
Price Road Stabilization- Public Works is getting proposals for design. This project was recently awarded Ohio Public Works Commission funds in the amount of \$194,539Storm Division
Castleberry Court Storm Issue –Storm line from the catch basin to the detention basin was found to have a failure and was repaired November 28. Hickory Street Drainage Issue - Public Works is repairing the drywell system at the alley between Laurel Avenue and Cleveland Avenue. The existing system was not draining and was flooding the alley causing issues with the sanitary system in the area. Laurel Avenue Storm Update - Public Works is getting proposals for design. Staff is looking at potentially phasing the project to make it more financially feasible since the project isn’t scoring well enough to receive Ohio Public Works Commission funds. SR 126 Stabilization- Public Works is getting proposals for design services. This project was recently awarded for Ohio Public Works Commission funds in the amount of

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\$116,950. *Water Division* 2017 Lime Lagoon Cleaning– Synagro was the only bidder on the lime lagoon cleaning and the notice to proceed was October 30. The contractor will finish cleaning as soon as weather permits. STANDING COMMITTEE MEETINGS Administrative Services Committee – December 14 at 4:30 p.m. REMINDERS None at this time

Police department report:

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 November. *TRAINING* All sworn members received Constitutional Policing training through the Police One Academy. Assistant Chief Mahan attended training on the new medicinal marijuana law. Assistant Chief Mahan attended training on collective bargaining. Detective Liming attended training on managing informants. Detective Kenney received investigative training in Columbus. Officer Mell attended Street Survival training at Butler Tech. *NOTABLE CRIME OCCURRENCES* We took three reports of counterfeit currency being passed at Milford businesses. The case remains under investigation. An elderly woman reported her purse stolen at Kroger. Officer Wilson obtained video of a suspect using the victim’s bank card at Meijer in Miami Township. The suspect was identified after her image was posted on the City’s Facebook page. Charges are pending. The sudden death of a twenty-four-year-old woman was investigated and classified as suicide. A bomb threat was called into Walmart on November 1st. The store was evacuated and searched by an explosives canine team. There are no suspects at this time. An adult male was reported missing after threatening suicide. He returned home days later and was not deemed to be in need of emergency psychiatric care. *UPCOMING EVENTS* Shop with a Hero will be held at Target on December 14th. A quarterly command staff meeting will be held on December 8th. *ADMINISTRATIVE* The City reached a tentative agreement with the newly formed sergeants union. A quarterly audit was conducted on the Confidential Investigative Fund. A citizen filed a complaint of discourteous treatment. The complaint was investigated by the officer’s supervisor and resolved. *COMMUNITY RELATIONS* Operation Holiday Patrol began on Thanksgiving. Assistant Chief Mahan and I attended the Night of the Stars Awards Banquet on November 3rd. I attended the Business and Community Awards Gala on November 8th. Assistant Chief Mahan and I attended the Citizens Police Academy graduation on November 10th. *OUTSIDE MEETINGS AND ASSOCIATIONS* I attended the Hamilton County Chiefs of Police monthly meeting. I attended the annual Milford Police Department reunion on November 4th. Also, attached were pictures from Operation Holiday Patrol.

Fire and EMS Report:

Chief Baird made mention that Santa Sunday will be on December 17th starting around 1pm. There is a change in the items that will be passed out this year. No more peanuts. Instead there will be Hershey’s kisses which are produced in a plant that does not process peanuts and do not manufacture any tree nut items. Since the Fire Truck rides were so popular during Hometown Holidays event in downtown Milford, the department will again be offering rides on the fire truck during the Second Saturday/HMA event on December 9th, 12pm until 4pm, weather permitting, in downtown Milford. Most of the drivers and helpers that help do this each year are volunteers. Most that are helping are volunteering their time. A lot of our full and part time members come in and do a lot like this. It needs to be recognized. We have a lot of truly volunteer members to the department. They do all the training and make all the runs and all the other things that truly make the Fire Department run. They do it for free and for reasons that are the right reasons. And that is to support the community and help do what is best. All of our Fire Board members with the exception of Michael, as the city representative, but the other 6 that are on there, they volunteer their time. WE meet 10 to 12 times a year. They come in and bring their varying types of backgrounds. There are some great professionals on the board. To basically the operation of our \$2,000,000 yearly operation. And especially that the services are waning, it is really great to see that participation by the people in our community.

Community Development Report: Report from September and October - Information is available at City Hall upon request.

Public Comments: None

Council Comments:

Hats off to Fire Department and everyone during Hometown Holidays. Brad Price was a huge part of the event. It was a huge success. Kirk’s Jewelers had a beautiful Santa display in the tri-state area. People come in to have their pictures taken with Santa, free of charge, from Anderson, Loveland, from the West Side of town. Word has gotten out about their beautiful display. People are coming in and enjoying their Fridays and Saturdays after Thanksgiving to see Santa. They can shop and eat while they are here. Ms. Evans mentioned the tree lighting during Hometown Holidays at Memorial Park. It was an amazing time. It was great to have it there because a lot of people walk downtown to the park for the tree lighting and then back to the businesses. It was nice to have it close by. Also, a question regarding the fence at Milford/Main, is there a timeline of when we think we can take it down since the grass is growing there. And suggest that when we do take it down that we place some parking blocks there so people are not driving onto the grass. Mr. Doss said that the intention is to have a buffer area there. We are leaving the fence up for now to allow the grass to grow out a bit more.

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Ordinances and Resolutions

Mr. Minniear asked for a motion to as the Law Director to present Ordinances 17-1318 and 17-1319 this evening. Ms. Brewer made a motion. Ms. Howland seconded the motion. All voted yes Ms. Brewer made a motion to adopt. Mr. Brady seconded the motion. All voted yes.

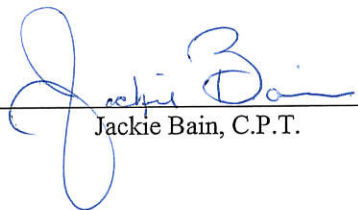
17-1318 An Ordinance Authorizing an Agreement Between the City of Milford, Ohio and The Fraternal Order of Police Ohio Labor Council, Inc. Representing the Milford Patrol Sergeants Ms. Brewer made a motion to suspend the rules and read by title only. Mr. Brady seconded the motion. All voted yes. Ms. Brewer made a motion to adopt. Seconded by Mr. Brady. All voted yes


17-1319 An Ordinance Authorizing a Memorandum of Understanding with The Fraternal Order of Police Ohio Labor Council, Inc. Representing the Milford Patrol Sergeants Ms. Brewer made a motion to suspend the rules and read by title only. Seconded by Mr. Brady All voted yes Ms. Brewer made a motion to adopt. Seconded by Mr. Brady All voted yes

Old Business: Ms. Howland reminded everyone of Second Saturday this Saturday down on Main Street. The antique fire truck will be there and other wonderful things happening. If you need to do some Christmas shopping, that would be the time to do that. We will be returning to Regular Session of the City Council meeting at the conclusion of Executive Session in order to adjourn for the evening.

Adjourn:

There being no further business to come before the City Council; the meeting was adjourned at 8:20 p.m. to enter Executive Session with a motion from Ms. Brewer; seconded by Ms. Evans. All voted yes. At 9:34 p.m. Ms. Howland made a motion to adjourn from Executive Session into regular session; seconded by Ms. Evans. All voted yes. The Regular Session of Council was adjourned at 9:34 with a motion from Ms. Evans; seconded by Mr. Brady. All voted yes.


Jackie Bain, C.P.T.


Laurie Howland, Mayor