

PUBLIC NOTICE

PUBLIC SERVICES COMMITTEE MEETING

Committee Members: *Kim Chamberland*, Amy Vilaro and Ted Haskins

**Monday, April 5, 2021 at 5:00pm
City Council Chambers
745 Center Street, Milford, Ohio 45150**

AGENDA

Call to Order

Proceedings: Approval of the March 11, 2021 Public Services Committee Minutes

Agenda Items:

- An Ordinance Amending Section 339.02 of The Codified Ordinances of The City of Milford Regarding Use of Local Streets
- And all additional matters that may properly come before the Committee

Adjourn

**Public Services Committee
Meeting Minutes
March 11, 2021**

Kim Chamberland called the meeting to order at 4:00 p.m.

Present: Kim Chamberland and Ted Haskins, Amy Vilardo

Staff: City Manager Michael Doss; Assistant City Manager Pam Holbrook and Administrative Assistant Jackie Bain

Visitors: Phil Ditchen, Tim Casto, Ryan Merkle, Jake Hillman, Jon Lenihan, Ron Roberts, Dawn Hillman, Bruce Hillman, Becky Linser and Carl Margraf

Proceedings: *Approve the proceedings from the February 12, 2021 Public Services Committee Minutes. Mrs. Chamberland made a motion to approve. Seconded by Mr. Haskins. Ms. Vilardo abstained*

REVIEW OF INFLUENT LIFT STATION BID(S)

Mr. Doss stated that this is part of the OPWC Grant that was received about a year and a half ago. We have been granted an extension due to Covid-19 to October to complete the project. Typically, the projects must be completed by June 30th. The project was put out for bid. We only received one bid. The bid was from the Henry P. Thompson Company. The committee members reviewed a letter from Justin M. Mason of Environmental Engineering Service which included a recommendation favorable to use this company. The bid from Henry P. Thompson Co. was \$160,500.00 which was less than the engineer's original estimate of \$170,000.00. The city is responsible for 51% of the grant and where we receive 49% of the funding for this grant. Mr. Doss and the City of Milford Wastewater Department Supervisor/David Walker concur with their recommendation.

The Committee Agreed to Recommend That the Law Director Draft an Ordinance to Enter into An Agreement with The Henry P. Thompson Company on The Influent Lift Station Screen Improvements Project in The Amount Of \$ 160,500.00

DISCUSSION: HIGH STREET RESIDENTIAL DEVELOPMENT REQUEST FOR STORMWATER INFRASTRUCTURE

Assistant City Manager Pam Holbrook reviewed the timeline with the committee of this project. Phil Ditchen is requesting that the City provide Labor Service for the High Street Storm Water project. On July 16, 2020 the Public Services Committee agreed to commit to paying Ron Roberts Engineering services to provide a Storm Water Plan and Cost Estimate for both High Street and a survey of the system from Main Street and the committee would then review any future commitments. Mr. Doss felt the labor for High Street could be taken care of in house.

Tim Casto gave a presentation of what was found in the line running up Sycamore to High Street – which consist of 3 different materials – one being rock. The camera ran the length of the pipe until reaching the rock section of the line up by High Street. This revealed that we have bigger issues to address on Sycamore and hope we don't have a failure before we get this taken care of. Tim Casto is working with Ron Roberts to figure out what is needed to address the line on Sycamore.

Dave Walker stated if you remove one wrong block, and like a domino effect, the entire wall could come tumbling down. Then the entire road could collapse as well. He did not feel like the city crew would have the time or man power to do the High Street Storm Water project in house especially with the influent lift station screen improvements. Mr. Doss stated that if we can't do it then we would have to reject Mr. Ditchen's proposal and it would have to be contracted out and would the city entertain paying the contractor labor portion of that? But that would hold the contractor accountable and their insurance if something goes array. The city would be covering cover that unless we would like Mr. Ditchen to cover his storm project. We have upgraded infrastructures for others before. And there is a long-term benefit if there should be a development that goes into the other end of High Street. There would be some existing storm to cover that part of utilities. It is not necessarily Mr. Ditchen's project but a long-term benefit for anything else that comes up on High Street.

Mr. Haskins asked Mr. Doss if his recommendation was for the city to do this coming into this meeting, correct?

Mr. Doss stated that yes it was. But if my team feels that they cannot do that then I will not put us under any unnecessary hardship or burden and make them feel uncomfortable.

Mr. Haskins asked Mr. Doss where does that leave us?

Mr. Doss said that if it is a definite no then we need to get with Mr. Ditchen on other ways to work this out internally and then report back to the committee.

Ms. Chamberland asked then if we are going to figure out costs with other contractors or something like that.

Mr. Doss said yes and to take a little bit more look at it and again if we cant work up some numbers for construction costs and then come back to the committee to see if the committee wants to pay for the labor half of that or a portion of that.

519 IN STREET VACATION

Pam Holbrook presented information regarding a property request that was inherited from their father. They have an offer to buy/purchase and during some closing years ago the county said that they would have to get proper paperwork to vacate the street. Ms. Holbrook was not sure why it was never done and has never found any history regarding this which was considered Old Water Street. Part of the house is on this street that was never vacated. It is just a simple

vacation. The adjacent property owners did not have any issues. This would need to go before council as an ordinance to vacate from this portion of the street.

The Committee Agreed to Recommend That the Law Director Draft an Ordinance vacating a portion of Water Street (behind 519 Main Street) between parcel #210730B027P and 210730A055

SCENIC RIVER CANOE BUS PERMISSION

Mr. Jon Lenihan S. Milford Road Milford Ohio

Mr. Lenihan has lived at this location since 2016. Mr. Lenihan also serves on the BZA committee.

Mr. Lenihan discussed the utilization of the full-size buses by Scenic River Canoe on South Milford and Cleveland Avenue as a cut through. Instead of going out Round Bottom Road route. He wanted to bring these concerns to the committee publicly. It has been a couple years building watching the progression of more and larger buses. Mr. Lenihan is happy that their business is successful and is a happy customer. But as he sees the buses on the road, they get bigger, there are more of them and it has become a significant safety concern. He spoke to Pam Holbrook last June and was informed that this committee had met at one point and had amended the City Ordinances which relate to the traverse of large vehicles on city streets. Information given to Mr. Lenihan differed from the actual minutes from an August of 2019 committee discussion regarding that the committee made a recommendation to the law director to amend the city ordinance to exclude school busses from the prohibition of traverse of large vehicles on city streets. Mr. Lenihan discussed the different buses that travel on Cleveland Avenue. Last summer is was almost exclusively the blue full-size school buses that exceed the weight limits on the road as well as the ability to traverse safely down the narrow streets. The amount of bus traffic is essentially constant on South Milford and Cleveland. School bus operation is different from the commercially used buses. The city ordinances also delineate between a school bus as a definition and a bus. It is clear to Mr. Lenihan that the buses should not be operating on S. Milford and Cleveland. Let alone the hundreds of trips each week that are not necessary which causes a major safety concern in the neighborhood. Ms. Chamberland understanding is that we made a recommendation in committee and it died never making it to council to amend the ordinance. Ms. Vilaro said that was because we agreed not to change the ordinance. Buses are allowed and invited Ryan Merkle from Scenic River Canoe to the podium so that he could state that his buses are school buses, only that they are painted blue. Ms. Vilaro said that at the end of the day a school bus is a school bus. No matter what color it is painted. To clarify Ms. Chamberland said that there were not as many "school" buses versus the mini-buses – which was Scenic's normal bus. Mr. Merkle said that last year, was a pandemic, and they upgraded their fleet to five school bus size and four minibuses since they were forced to go to 50% capacity. Otherwise it would have been a bankruptcy type scene. This year he would need half of those buses. High volume is typically in May and falls off after Labor Day. The buses run seven days a week provided that the conditions are safe. We shuttle from 10-4 M-F and on the weekends 9-4. They are considering making changes to make the last trip go out at 2pm. More equipment was taken down to the river last year using the minibuses to transport equipment than what we typically used because of the 50% capacity. He does not expect that type of bus volume again and leaning towards eliminating some equipment which would reduce the volume. Mr. Merkle understands

that you see the buses often. These are professional drivers, properly trained and they know what they are doing and are very, very safe. The company takes safety as a number one priority.

Ms. Chamberland stated that she believes the concern is with the large buses driving through on Cleveland Avenue, there are cars parked along the side of the road which makes it harder to drive through the area.

Ms. Chamberland discussed a route that she took prior to the meeting. It is 6.1 miles and 12 minutes from Scenic to get to Fletcher. You could go to Round Bottom Road to Chamber Drive, then Lila, Garfield, to Mill to 126 which is 8.4 miles at 15 minutes. And there are no cars parked on either side of the road, its wide, no sharp turns, no walls and you can still see the trailhead, and you cross the bridge. This seemed to be the closest and a very simple way to solve a problem. Mr. Merkle is a great neighbor; you care about the river and you care about the neighborhood. Is there a better way we can do this so that we can be great neighbors and not have to worry about parked cars and all the buses going back and forth and make everybody happy? Is there a compromise? The highway is not a safe option. Mr. Merkle would be more inclined to get rid of the small buses since there are more of them. The big buses equate to three little buses. That would create three times the traffic. The quietest route to the river is Cleveland. For staging equipment, they do not have to follow each other. Something could be figured out for those minibuses and could go possibly go a different route to the river and allowing the big buses to go through Cleveland as an option. It must be understood that occasionally he will need to pick someone up at the river for urgent issues, which does not happen often.

Mr. Haskins asked that because of the pandemic, this year, worst case scenario, you would half the amount of bus trips going through. And taking the equipment bus down a different route?

Mr. Merkle replied that you would see half the volume. Now we can have twice the volume with one bus.

Yes, we could easily work it out to take the equipment bus a different route.

Ms. Chamberland so this year we will see full capacity buses since restrictions have been lifted.

Mr. Merkle said yes, and it will be less since the little buses will be going a different route. His company's buses have been running through Cleveland since 1991.

Ms. Vilardo commented that you get to show people beautiful South Milford and the majority of the River Route is through South Milford.

Mr. Merkle said that they speech their customers and show them along this river so that they can advise them of where to go, not to go and to get eyes on of what to familiarize them of what they are going to see once on the river. It would be a disadvantage not to have them see this.

Ms. Chamberland said that with the alternative route you can still advise the customers.

Mr. Lenihan commented that he didn't bring this up last summer after emailing with Ms. Holbrook and Chief Mills because he didn't want to bring any hardships to their business, and he

likes what the company is doing and agrees with 95% of what Ryan said. All this can still happen if you take the legal route. You would still be able to pass all the landmarks. Nothing changes fundamentally about their ability to conduct business, about their contributions to the City of Milford. None of that changes. We are asking them to do it safely, and legally according to the guidelines that the city has established in the ordinances. I thought a bus was a bus was a bus, until last summer. Not according to the city. There is a school bus and there is a bus. They are defined differently in Chapter 301. They are separate. If we talk about permitting buses, or offering an exclusion for buses, school buses, then that is different than allowing commercial buses for what it is worth. If we allow big buses, then what about dump trucks or when the landscaping trucks come through to get to Indian Hill. The laws are what they are. Not for convenience but for guidelines on what is permissible and what isn't. There is a 5-ton restriction. It is not a thru route for trucks. It is not legally permissible for those buses to be on the route. If there wasn't another route, then this would be a different discussion. He is thinking about the welfare of his family the same way that Mr. Merkle is thinking about his family's welfare. Mr. Lenihan is asking for this to be done the proper and safe way. And to not make an exception to allow one company and to come back when other companies come and ask for exceptions.

Dawn Hillman Cleveland Avenue Milford Ohio

She loves seeing the buses drive through and knows that they do a great job. She is excited to see the buses. Her son works there. He is as passionate as Ryan is about the company. Ms. Hillman wanted to point out that there are heavy trucks traversing Cleveland Avenue. She has no qualms with school buses going down her street. She has known the risks of living on Cleveland. If we stop Ryan from taking his buses, then we must stop trucks from traversing down Cleveland when they go to the Country Club. She applauds what they do and is all for it.

Bruce Hillman Cleveland Avenue Milford Ohio

Ryan's business is an integral part of what makes South Milford. In 23 years, he has never seen an accident with the big or little buses. We are as pleased to see them in our neighborhood as we would be to see the Good Humor Ice Cream man/truck. The blue buses are another extra security for the neighborhood. They go through so often that nobody is going to do anything there.

Becky Linser Cleveland Avenue Milford Ohio

She can echo a lot of what these folks have said. Her Air BNB is also on Cleveland in which she was part of a large research and planning committee for the area in 2017. It clearly defined what Milford aspires to be. She believes that the buses go through Cleveland as, scary as it may be for some people, I think we live in one of those cities that has a goose following a dog, following a man down Main Street most days. We are a River city knowing this when we came here, and we receive city promotion with the buses. The alternate route is a great compromise. She thinks the trip time will be more than calculated. And may not be the safer solution due to additional traffic and lights. The compromise of using the alternate route for equipment and boats but let the people still use the buses on Cleveland.

Ms. Vilardo stated that if Finlay Ray is being used that day it could take up to an hour to get through using that route.

Mr. Lenihan said that we are not talking about the identity to the city. It just changes the route. Just because it has been done illegally for thirty years doesn't make it okay. Then change the law to make it legal and very specific so that it doesn't extend beyond buses.

Ms. Vilardo asked if we then change the law for your street, do we change the law for Center Street and other streets?

Mr. Lenihan stated that would be up to council. There is a viable alternate route that accomplishes all the things that Ryan identified as being important. Maybe staying open until 3pm again to accommodate the difference. If there is a copy of an easement, I would like to see it and then let that be public record. We would expect this of any business and any citizen in the city. It is a reasonable expectation.

Tina Humphries Cleveland Ave Milford Ohio

She did address council in August regarding the issues that are being discussed at this time. She understands that Mr. Merkle has a business to take care of. She is concerned that there will be some type of agreement based upon the information today that the buses won't be running as much. Ms. Humphries gave statistics on how often the buses were running. Where is the allegiance to them who pay 1% tax? It just doesn't seem fair since they do not have a choice. They are residents. Why are we being inconvenienced to help this one company?

Tobi Iacono Cleveland Ave Milford Ohio

If the company has been in operation for about 30 years, how many of those years were long buses used? Could you use just the minibuses?

Mr. Merkle he was not sure and said that they would have to make three times the trips when using the minibuses which are the noisier ones when carrying the trailers. He would have to have 18 buses to do what he is currently doing. He is going to check out the alternate route to see if it will work out. If it is only three minutes, then that would not be a problem at all. If it turns into a ten minutes extension on time, then he would have to buy more buses.

A Gentleman spoke away from the podium - If buses are prohibited on Cleveland are they prohibited on other streets? And then just moving to another problem to another neighborhood to fight with someone else.

Ms. Chamberland stated that the buses were to go through downtown via Lila Avenue it would be 8.4 miles and 16 minutes. But there is a lot more traffic downtown.

Mr. Lenihan stated that would be the way that would permit the trucks to drive through. There is a school bus definition in the city code and there is a bus definition. And there is a school bus definition. The school bus definition is very specific.

Ms. Chamberland thanked everyone for coming to discuss what each is experiencing and for how much you care about our city. We have more to discuss with council and we are not ready to make any decisions at this time and all are legitimate concerns.

Ms. Vilardo wanted to go on record to say that Ryan Merkle is a good neighbor. This discussion unfairly discriminates against this business. In her opinion, a bus is a bus is a bus. The intent may be one thing but at the end of the day it has to do with one thing. The vehicle and what is allowed on that street. In her mind it is just unfair discrimination against him. If we are going to go there then we have to talk about church buses, landscape companies coming through and box trucks making deliveries. She feels that this whole issue discriminates against your business and I don't think that is fair.

Ms. Chamberland stated that at one time there must have been something to make you use the highway route.

Ms. Vilardo said that this is because they were under the impression that they weren't allowed to traverse there. As far as the Law Director that she spoke to yesterday, he has not intent to having the Officers write tickets. It is for your school buses to use Cleveland Avenue. He said it's a bus.

Mr. Merkle gave his personal cell number to those that would want it. And if there are ever any issues to please contact him.

There being no further business, the meeting adjourned at 5:38pm with a motion from Ms. Vilardo Seconded by Mr. Haskins All agreed

Respectfully submitted,
Jackie Bain, Administrative Assistant

"These minutes have been approved and adopted by Ms. Chamberland, Mr. Haskins and Ms. Vilardo on March 16, 2021"

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. 2021-81

Passed April 6, 2021

AN ORDINANCE AMENDING SECTION 339.02 OF THE CODIFIED ORDINANCES OF THE CITY OF MILFORD REGARDING USE OF LOCAL STREETS

Now, Therefore, Be It Ordained By The Council Of The Municipality Of Milford, Ohio:

Section 1.

The Council of the City of Milford hereby amends Section 339.02(a) of the Codified Ordinances of the City of Milford to read as follows:

(a) No person shall operate a vehicle exceeding a size specified in section 339.03 or exceeding a gross vehicle weight rating (gvwr) of 14,000 pounds upon any street in the City other than a State route, except those local streets designated as a truck route and marked as such by appropriate signage indicating "No Thru Trucks." Drivers of such vehicles may deliver and pick up goods or property not located on such designated routes, may provide services, or visit commercial establishments for the purpose of eating, refueling, or conducting other necessary business provided such commercial establishment provides adequate off-street parking to accommodate such vehicles and provided such vehicles are only operated in a reasonable way between the designated route and the place of delivery, pick up, service, or such commercial establishment, or as otherwise directed by a police officer. School busses as defined by Section 301.35 and busses as defined by Section 301.05 shall be expressly exempt from the limitations imposed by this Section.

Section 2.

The Council of the City of Milford hereby amends the fifth paragraph of Section 339.02(b) of the Codified Ordinances of the City of Milford to read as follows:

Signs shall be posted indicating "No Thru Trucks-Gross weight 14,000 pounds" or words of similar import to apprise drivers of the limitations imposed by this section. No driver shall disobey the instruction indicated on any such sign.

Section 3.

All other portions of Section 339.02 not expressly amended herein shall remain in full force and effect. This Ordinance amends and supersedes any and all Ordinances, Resolutions, Rules, or Regulations which are clearly inconsistent herewith.

Section 4.

Pursuant to and in accordance with Section 12.05 of the Milford City Charter, this Ordinance shall become effective immediately upon its passage by City Council.

ATTESTED: _____
Jackie Bain, Clerk

Amy Vilardo, Mayor

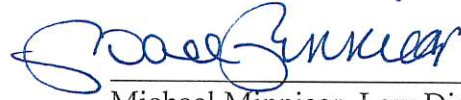
RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

LAW DIRECTOR'S CERTIFICATION

I hereby certify that I have prepared the foregoing Ordinance in accordance with Sec. 12.02 of the Milford City Charter.



Michael Minniear, Law Director

CLERK'S CERTIFICATION

I, Jackie Bain, Clerk of Council of the City of Milford, Ohio, do hereby certify that the foregoing Ordinance was published by posting the complete text of said Ordinance at five (5) of the most public places in said Municipality as determined by Council as follows: at River Hills Bank, 301 Main Street, Milford, Ohio; at Peoples Bank, 735 Lila Avenue, Milford, Ohio; at Milford Community Fire Department, 687 B US 50, Milford, Ohio; at the Milford Post Office, 1000 Castleberry Court, Milford, Ohio; and at the site of the Municipal Building, 745 Center Street, Milford, Ohio each for a period of fourteen (14) days commencing on the 8th day of April, 2021.

Jackie Bain, Clerk of Council