

The Council of the City of Milford met in Regular Session in Council Chambers at 745 Center Street at 7:00 p.m. on October 7, 2008. Vice-Mayor Hinners called the meeting to order with the Pledge of Allegiance and a Moment of Silence.

Roll Call: Present: Vice-Mayor Hinners, Mr. Vilardo Jr., Mr. Hawkins, Ms. McBeath, Mr. Pschesang and Ms. Brewer. Mayor Hunter was absent due to a late court case. Vice-Mayor Hinners made the motion to excuse Mayor Hunter, seconded by Ms. McBeath. All voted yes,

Remarks from the Mayor: None

Minutes: Mr. Vilardo Jr. made the motion to waive the reading and adopt the minutes of the August 16, 2008 meeting, seconded by Ms. Brewer. Voting yes: Mr. Hawkins, Mr. Vilardo Jr., Ms. Brewer, Ms. Hinners and Mr. Pschesang. Abstaining: Ms. McBeath.

Correspondence: None

Financial Statements: The Clerk asked for a motion to accept the following Financial Statements: The 2006 and 2007 Audits from Balestra, Harr & Scherer, CPAs, Inc. and the August Financial Statements for the City of Milford. Ms. McBeath made the motion, seconded by Mr. Pschesang. All voted yes.

Public Comments: Tom Wagner from Valley View announced that Valley View will be having the Fall Feast and Spooky Bottoms in conjunction with the Milford Jaycees. Karen Huff of the Milford/Miami Township Chamber thanked the sponsors of the Chamber Fall Classic golf match. Milford was the winner of the competition. She also announced that the C.O.V.E.R. Awards dinner would be on October 29th.

STANDING COMMITTEE REPORTS

Public Services: Ms. Brewer stated that the Committee met on October 1, 2008. Present: Amy Brewer, Ralph Vilardo, Jr. and Sam Pschesang. Staff present: City Manager Rokey and Director of Finance Tim Petric.

The Manager provided a proposal from HDR/Quest for professional engineering services associated with the CSO Elimination Project Phase II B. The Committee agreed to make a motion to draft an Ordinance authorizing an agreement with HDR Engineering, Inc. in the amount of \$33,000 for bidding and construction administration for the CSO Elimination Project Phase II B. Ms. Brewer made the motion, seconded by Mr. Vilardo, Jr. All voted yes.

The Finance Director reviewed the need to establish funds to track the CSO Elimination Project Phase II B and the Garfield Force Main Project. The Committee agreed to make a motion to draft an Ordinance establishing fund 460 for the CSO Elimination Project Phase II B and fund 461 for the Garfield Force Main Project. Ms. Brewer made the motion, seconded by Mr. Vilardo, Jr. All voted yes.

The Finance Manager also reviewed several appropriation amendments related to these projects. The Committee agreed to make a motion to draft an Ordinance amending Appropriation Ordinance 08-654. Ms. Brewer made the motion, seconded by Mr. Vilardo, Jr. All voted yes.

The Finance Director requested authorization of several transfers to close out certain funds no longer needed for special projects. The Committee agreed to make a motion to draft an Ordinance for various fund transfers. Ms. Brewer made the motion, seconded by Mr. Vilardo, Jr. All voted yes.

It is time for consideration of the annual Resolution accepting rates and amounts provided by the Clermont County Auditor's office. The Committee agreed to make motion to draft a Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary tax Levies and Certifying that to the County Auditor. Ms. Brewer made the motion, seconded by Mr. Vilardo, Jr. All voted yes.

The Manager provided an extension agreement with Clermont County to continue with the existing vendor for wastewater sludge hauling in 2009. The Committee agreed to make a motion to draft an Ordinance authorizing a one-year extension of the agreement with Clermont County for wastewater sludge management services. Ms. Brewer made the motion, seconded by Mr. Vilardo, Jr. All voted yes.

The Committee discussed the condition of Carriage Way Park. There is tree debris to be cleaned up and the playground is in poor condition. The landscaping contractor will apply herbicide and fertilizer this week, but this needs to be monitored. There are several trees that have been damaged within the area under contract. The Committee recommended that we consider separating the turf management from floral installation and landscaping before the next contract bid.

The curb repair work has begun and the contractor will be working over the next two weeks.

The City continues to pick up brush on a daily basis. They anticipate collection over the next two weeks before we return to a normal schedule and our standard collection rules.

The following was discovered the day after the meeting and not in the discussion. Due to a new IRS requirement a Resolution must also be passed for the receipt of OPWC funds for the CSO Elimination Project. Mr. Brewer motion that the Committee as a whole, seconded by Mr. Vilardo, Jr. draft a Resolution Declaring the Official Intent and Reasonable Expectation of the City of Milford on Behalf of the State of Ohio (the Borrower) to Reimburse its 54" CSO Elimination Phase II B Fund for the CSO Elimination Project Phase II B Project Phase II B Project (OPWC) Project Number CJ08L/CJ09L with the Proceeds of Tax Exempt Debt of the State of Ohio. All voted yes.

Administrative Services: No Report – Ms. Hinnners gave an update on the Wayfinders Ad Hoc Committee meeting.

Safety Services: No Report

Community Development: Mr. Hawkins stated that the Committee met on September 23, 2008. Present: Bryan Hawkins, Amy Brewer and Kim McBeath. Staff present: City Manager Rokey, Assistant to the City Manager Ellerhorst and Assistant City Manager Holbrook. There were 18 residents who also attended the meeting.

The Committee reviewed a request to utilize public right-of-way at 28-32 Main St. for decorative columns. This was approved by the Planning Commission with conditions and will need Council approval. The Committee agreed to make a motion to draft an Ordinance authorizing the use of two feet of public right-of-way for decorative columns as part of the remodeling project at 28-32 Main St. Mr. Hawkins made the motion, seconded by Ms. Brewer. All voted yes.

The Noise Ordinance was further discussed. The decibel meter was found to be unreliable. It was recommended that staff return to use of prior examples and current Ordinances without the use of a decibel meter. There was a recommendation to look at all three proposed ordinance options plus the current nuisance ordinance during the next City Council meeting.

The Parks and Recreation Commission has recommended approval of the Riverside I and II Park Master Plan. The Committee agreed that it is important to support the concepts in the plan and move forward so funding can be sought. The Committee agreed to make a motion to draft a Resolution adopting the Riverside Park Master Plan. Mr. Hawkins made the motion, seconded by Ms. Brewer. All voted yes. The Mayor thought the Parks and Recreation Committee did a great job. He plans to create an ad hoc committee to survey the community and identify other plan elements to be evaluated and incorporated into the plan. The City is looking to bring all ideas together. Anyone interested in serving on this committee should call the Mayor.

Steve Boller was working on a plan prior to Human Nature's work and supports their plan as a start. Every Wednesday evening he has a meeting at his home to discuss ideas. Those interested are invited to attend. He feels the goal is to work for everyone's benefit and not to have an opposing plan. He envisions a plan that will draw from a much larger area.

The Manager provided documentation of CUC's cost to maintain a letter of credit on the Beechwood TIF Project. The Committee agreed to make a motion to draft an Ordinance authorizing reimbursement to CUC (Cincinnati United Contractors) for \$8,886.61. Mr. Hawkins made the motion, seconded by Ms. Brewer. All voted yes.

The Committee agreed to accept a proposal from Davey Tree to install lights in 51 trees on Main St. The cost would not exceed \$7,450.

Ms. Hinnners gave a synopsis of the Parks and Recreation Committee meeting to Council.

City Manager's Report: City Manager Rokey reported that the Street/Service Department continues with brush clean up from the windstorm. The Service Department has picked up over 200 loads of brush so far. Pick up should return to normal in the next two weeks. The Department has placed citywide yard sale signs to promote the event. Staff will help Davey Tree hang the Christmas lights on Main Street by the end of October.

The Wastewater Department is in the process of replacing the sewer line located between Hogan Dr. and Garfield Ave.

The Water Department reports a fire hydrant was replaced on Mohawk Trail. Water was off for a lengthy period of time. All customers were notified of the shut-off.

The Clearwell project is nearly 90% complete. Staff installed 15 radio-read meters and set a 2" water meter service to the Clermont Lumber site for irrigation of the riverbank. Due to the installation of curb stops, Valleybrook was shutdown for 2 ½ hours. Customers were notified.

Numerous problems occurred with our wells due to the power outage. Wells #1, #2 and #4 all had to have replacements of fuses and a Speed Drive on Well #4.

Duke Energy held several public information sessions following the storm event to assess the lessons learned and allow the public to ask questions.

A town meeting with the Clermont County Commissioners is scheduled for October 22nd at 7:00pm at the Miami Township Civic Center on Meijer Drive.

The Utility billing staff sent out the utility bills on October 6th. A message was added to remind everyone about the new garbage service charge (coded GB) for \$2,50 per unit. There also notations regarding Beggar's Night and the Code Red system.

Committee Meetings

Public Services	Monday, October 13, 2008	6:00pm
Safety Services	Monday, October 13, 2008	6:30pm

Reminders

Planning Commission	Wednesday, October 8, 2008	6:00pm
City Wide Yard Sale	October 10 – 12	no permits required
Buffalo Harry's	Friday, October 10, 2008 (Open House)	6-9pm
Parks & Recreation	Monday, October 20, 2008	5:30pm
Citizen's Housing	Monday, October 20, 2008	7:00pm
Artesian Show	October 24 th & 25 th	(at Milford Pottery)
Fall Clean Up	Saturday, October 25, 2008	12:00pm
C.O.V.E.R. Awards	Wednesday, October 29, 2008 (at RSVP)	5:30 p.m.
Beggar's Night	Friday, October 31, 2008	6-8pm

Police Report: Chief Machan reported that the Code Red program is now up and running. Due to the construction on Main St. there will be an officer at St. Andrews to help the children in crossing Main St. The Chief reminded residents that Beggar's Night is October 31st from 6-8pm. There will be officers and cruisers patrolling the area and distributing candy to the children.

On October 11th at the car show at Wal-Mart the Milford Jaycee's will present a Segway to the Department. Chief Machan expressed his thanks to the Jaycee's for the Segway. All officers will have an opportunity to learn how to operate the vehicle. It will be used during Frontier Days and Hometown Holidays and other events.

Fire/EMS Report: Chief Cooper announced that this is Fire Prevention Month. The Department will visit the schools to teach the children about fire prevention. He stated that the Department has been busy painting and cleaning the fire hydrants.

The Chief reported that Corey is doing well even though he has been in the hospital for another bout of Chemo. Please remember Corey and his family in your prayers.

Council Comments: Law Director Minniear discussed a Memo he sent to City Council concerning Mike and Sara Huseman's fence at 121 Mound St. There has been an ongoing controversy about the Huseman's fence across the alley. Someone expressed their opinion to Mr. Minniear that the City should order the Husemans to tear down the fence. After meeting with the Husemans and viewing the property Mr. Minniear stated that he felt it would be an abuse of his position as Law Director to force them to tear down the fence. It is his recommendation that the City grant them a license. The license would allow them to use the property as long as they live there. The City will still own the property and always have the right to access the property to service the utility agreement. Mr. Minniear asked that Council authorize him to draft an Ordinance for the next Council meeting authorizing the License Agreement with the Husemans. Mr. Pschesang asked Mr. Minniear how many complaints there had been about the Huseman's fence. Mr. Minniear answered that Mr. Pschesang had complained to him at a meeting they had in his office. Mr. Pschesang stated that he had never complained about the fence. Mr. Pschesang stated that his disagreement was with Mr. Minniear concerning how certain Ordinances were handled. A discussion continued between Mr. Minniear and Mr. Pschesang. Mr. Pschesang asked for a motion for an Executive Session for Personnel purposes. This was changed to legal reasons. There was no second to the motion.

Ms. Huseman said the ongoing disagreements with Mr. Pschesang have residents afraid of his threats and actions. She said he had threatened her and all she wants is the situation cleared up.

Mr. Huseman thanked Mr. Minniear for clarifying the issue to him. He assured Council that he would abide by the rules of the license.

Mr. Pschesang approached the podium to speak as a private citizen and not as a Council member. He stated that there have been no threats from him. He said that this was like a storm in life, he would weather this controversy as well. He said he would reaffirm his commitment to the City of Milford. City Council and City Staff to render his decisions in the best interest of Milford.

Amy Basson spoke concerning her complaints about Mr. Pschesang's trucks in his driveway. She said he knew his trucks were in violation and this has been going on for the past two years. When she spoke to him about the trucks she said he threatened her and used obscene language to her.

Mr. Hawkins asked that any decisions be tabled to the next Council meeting to look over the Ordinances. Mr. Hawkins made the motion, seconded by Mr. Pschesang for an Executive Session for Legal Purposes immediately after the Council meeting. All voted yes.

New Business: None

Ordinances and Resolutions:

- 8.708 An Ordinance authorizing the use of Public right-of-way for construction of decorative columns at 28 Main Street. Ms. McBeath made the motion to suspend the rules and read by title only, seconded by Mr. Hawkins. All voted yes. Ms. Brewer made the motion to adopt, seconded by Mr. Hawkins. All voted yes.
- 8.709 An Ordinance authorizing reimbursement to Cincinnati United Contractors. Ms. McBeath made the motion to suspend the rules and read by title only, seconded by Ms. Brewer. All voted yes. Ms. Brewer made the motion to adopt, seconded by Mr. Hawkins. All voted yes.
- 8.710 An Ordinance authorizing an agreement with HDR Engineering, Inc. for Bidding and Construction Management Services for the CSO Elimination Project Phase II B. Mr. Pschesang made the motion to suspend the rules and read by title only, seconded by Mr. Vilardo, Jr. All voted yes. Ms. Brewer made the motion to adopt, seconded by Mr. Vilardo, Jr. All voted yes.
- 8.711 An Ordinance establishing the CSO 54 Elimination Phase II B Fund and the Garfield Force Main Fund. Mr. Vilardo, Jr. made the motion to suspend the rules and read by title only, seconded by Mr. Hawkins. All voted yes. Ms. Brewer made the motion to adopt, seconded by Mr. Vilardo, Jr. All voted yes.
- 8.712 An Ordinance Amending Appropriation Ordinance No. 08-654. Ms. McBeath made the motion to adopt, seconded by Ms. Brewer. All voted yes.
- 8.713 An Ordinance authorizing Various Transfers from Various Funds. Ms. McBeath made the motion to suspend the rules and read by title only, seconded by Mr. Hawkins. All voted yes. Ms. Brewer made the motion to adopt, seconded by Mr. Vilardo, Jr. All voted yes.
- 8.714 An Ordinance authorizing Extension of the Agreement for Wastewater Sludge Management Services. Ms. McBeath made the motion to suspend the rules and read by title only, seconded by Mr. Hawkins. All voted yes. Ms. Brewer made the motion to adopt, seconded by Mr. Vilardo, Jr. All voted yes.
- 8.745 A Resolution Adopting the Riverside Park Master Plan. Ms. McBeath made the motion to adopt, Seconded by Mr. Hawkins. All voted yes.
- 8.546 A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the necessary Tax Levies and Certifying them to the County Auditor. Ms. McBeath made the motion to adopt, seconded by Mr. Vilardo, Jr. All voted yes.
- 8.547 A Resolution Declaring the Official Intent and Reasonable Expectation of the City of Milford on Behalf of the State of Ohio (The Borrower) to Reimburse its 54 CSO Elimination Phase II B Fund for the 54" Combined Sewer Overflow (CSO) Elimination Phase II B Project Number CJ09L with the Proceeds of Tax Exempt Debt of the State of Ohio. Ms. Brewer made the motion to adopt, seconded by Mr. Vilardo, Jr. All voted yes.

Old Business: None

Adjourn:

There being no further business to come before the regular Council meeting, the meeting was recessed at 8:50pm to enter into an Executive Session for legal purposes with a motion from Ms. McBeath, seconded by Mr. Hawkins. All voted yes. Council returned from Executive Session and adjourned at 9:55pm with a motion from Mr. Hawkins, seconded by Mr. Pschesang. All voted yes.