

Brookville City Council
Regular Meeting
July 2, 2019

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on July 2, 2019 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Crane, Schreier, Swabb, Wilder, and Zimmerlin; Acting City Manager/Finance Director Keaton, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Wheeler were present. Member Fowler was absent.

Mayor Letner informed Member Fowler has been excused from tonight's Meeting because he is out of town.

Roll Call by Clerk Wheeler.

Motion by Zimmerlin, second by Swabb to approve the Agenda as presented. All yeas, motion carried.

Motion by Zimmerlin, second by Swabb to approve the Regular Council Meeting Minutes of June 18, 2019. Members Schreier and Wilder abstained. Motion carried with 4 yeas and 2 abstentions.

Acting City Manager/Finance Director Keaton reported construction of the BP Station began last week. She informed all permits submitted have been approved.

Acting City Manager/Finance Director Keaton informed the front office is in the midst of updating our utility billing software to VIP, a windows based software. She informed the addition of utility billing software will complete our VIP software upgrade that began in 2017. The water bills will not look different, but customers will see a new account number on their bills.

Acting City Manager/Finance Director Keaton reported last week the Service Department patched sections of Walker Court, Mound Street, Sycamore Street and the crossovers on Terrace Park Boulevard. Twenty-nine tons of asphalt were applied. She informed the Service Department also completed the rehabilitation of the pedestrian bridge in Golden Gate Park and the sides of the bridge will be painted soon.

Acting City Manager/Finance Director Keaton informed the fountain at Gateway Park is currently inoperable. She described the motor is being rebuilt and will hopefully be re-installed prior to the Community Picnic.

Acting City Manager/Finance Director Keaton reported Fryman and Kuck General Contractors, Inc. has been pumping down six tanks at the Wastewater Treatment Plan and removing any tornado debris they find in the bottom of the tanks. She informed this project will take two days for each tank and the cost is \$37,043. She informed we are still waiting on approval from our insurance company for other repairs to still be done. She informed a structural engineer looked at the storage building at the rear of our lab building at the WWTP as several large cracks were discovered in the two corners that attach to the lab building and on the south wall. She informed we do not have to demo and construct a new storage building. The cracks can be filled in and hurricane straps can be installed.

Acting City Manager/Finance Director Keaton provided Council with a spreadsheet prepared by the Zoning Officer, that shows there are currently 39 uninhabitable structures, six homes have been demolished with three homeowners that have no plans on rebuilding on their lots.

Acting City Manager/Finance Director Keaton informed we have received several inquiries on the former Payless building. She informed the building was shown to a potential client in early June. The Payless site is one of four potential properties the potential client is currently looking at. She stated the City of Brookville and the property owner is actively looking for an end user to occupy the vacant building.

Acting City Manager/Finance Director Keaton informed we submitted our Public Assistance Damage Assessment Form to FEMA on June 19. She informed a meeting was held with FEMA representatives on June 25 to go over our Assessment Form. She informed we are still waiting to see if the President will issue a disaster declaration for public entities who incurred costs as part of the tornado cleanup. She stated the Hazard Mitigation Grant full application for 306-312 South Wolf Creek Street was submitted on June 21.

Acting City Manager/Finance Director Keaton presented the June 30, 2019 Fund Balance.

Motion by Zimmerlin, second by Schreier to approve the June 30, 2019 Fund Balance as presented. All yeas, motion carried.

Acting City Manager/Finance Director Keaton requested Council approval to transfer \$150,000 into the Street M&R Fund and \$50,000 into the Park Fund from the General Fund. She informed these are both partial transfers that were included in our 2019 Appropriations.

Motion by Schreier, second by Zimmerlin authorize Acting City Manager/Finance Director Keaton to transfer \$150,000 into the Street M&R Fund and \$50,000 into the Park Fund from the General Fund. All yeas, motion carried.

Member Schreier asked if there is any sort of timeline for the repairs at the WWTP?

Acting City Manager/Finance Director Keaton stated no. She informed it has been a struggle obtaining quotes because everyone is busy and everyone needs work done. She informed once the quotes are received, they have to be forwarded onto our insurance company for approval. She stated she hopes we can have all of these repairs done by winter.

Member Wilder asked if there has recently been an increase in complaints on Rumpke?

Acting City Manager/Finance Director Keaton informed complaints had been pretty quiet until this past week, a lot have been received. She stated she thinks they have had some substitute drivers this past week. She informed she recently met the new manager over the drivers and was assured he would be making some new changes for the better.

Member Zimmerlin stated he wondered if there has been an increase in trash to be picked up since the tornado.

Acting City Manager/Finance Director Keaton informed yesterday Rumpke picked up 22 tons of trash in Brookville, which is double the normal amount and what is causing them to run behind on their routes. She described the Terrace Park area is looking much better, a lot of the debris has been picked up. She informed she will keep Council posted on a possible group who has volunteered to get dumpsters and equipment to finish cleanup in the Terrace Park area.

Fire Chief Fletcher presented the Operations Report for the first half of 2019.

Fire Chief Fletcher reported the Fire Association has been the recipient of a lot of financial donations to be used towards tornado relief. He informed a bank account was opened for the money received to be deposited into. He informed a small committee was formed to review the applications received for financial assistance. He stated the committee just wants to make sure they are being good stewards of passing the money on. He informed the committee should be able to turn around requests in 48 hours.

Fire Chief Fletcher reported enough money was donated to probably assist 30 to 45 families. He informed the first round of cashier checks were delivered today to the first few requests that were received. He stated now they are just waiting for more requests to come in. He encouraged anyone who may know someone in need to have them fill out a form, which can be found at the Fire Department, Police Department and City Offices. He reminded all information will be kept confidential.

Fire Chief Fletcher reported the heavy rescue truck has been completely repaired.

Member Zimmerlin asked if the number for overall calls in the unincorporated Clay Township area is over a 10-year period?

Fire Chief Fletcher informed yes, he took the average of calls now and over the last 10 years and we are running 30% more calls than 10 years ago.

Police Chief Jerome reported the Brookville Police Department handled 350 Incidents year-to-date, compared to 297 during this same time last year. Police Chief Jerome reported Citations were down a total of 31 Citations year-to-date, for a total of 245 Citations issued year-to-date. There were 184 traffic stops for May compared to 198 during May 2018.

Police Chief Jerome informed since the tornado, his Department is still patrolling and meeting with people to see how their progress is going. He stated it is summer and everyone should watch their speed because there are a lot of kids out and a lot of construction traffic. He stated the summer is a busy time and reminded the Community Picnic is coming up soon.

Law Director Stephan informed the City received a notice from the Division of Liquor Control that Giant Ohio, located at 801 Arlington Road, the site of the new BP Station has applied for a Liquor Permit. He reminded the property was previously owned by Giant Dayton, LLC, which is a subsidiary of Giant Ohio. He informed Giant Ohio is now reapplying because the ownership has changed from Giant Dayton, LLC. He requested a motion by Council that there are no objections to the Liquor Permit at 801 Arlington Road.

Motion by Schreier, second by Zimmerlin to allow the Liquor Permit with no objections as requested by the Division of Liquor Control and filed by Giant Ohio for the property located at 801 Arlington Road. All yeas, motion carried.

Mayor Letner asked if this was previously authorized for Giant Dayton?

Law Director Stephan advised yes. He informed the permit type is the same, a D1 and D2, which is essentially for carryout.

Mayor Letner asked Service Superintendent Homan to highlight the Service Department's recent projects.

Service Superintendent Homan stated the Service Department has done some amazing things the last few weeks. He described a lot of work has gone into the pedestrian bridge at Golden Gate Park and there is now a night and day difference. He informed they are almost done and the bridge should be complete prior to the Community Picnic. He informed trash cans will be placed near the grove area soon, which is quite a popular spot. He reported crews have made good progress on the S. Wolf Creek bridge. Service Superintendent Homan stated the Service Department has been shorthanded and several have been on vacation, but they are still getting a lot of work done. He informed they have been winding down with the storm cleanup and continue to keep up on routine maintenance items and mowing.

Mayor Letner stated the pedestrian bridge really looks great.

Service Superintendent Homan informed Montgomery County will send out an engineer soon to evaluate and then will provide a report.

Mayor Letner informed he and Acting City Manager/Finance Director Keaton will meet with Congressman Mike Turner on Monday, July 8. He stated they will cover a number of topics during their meeting including the tornado and recent Dayton water issues.

Mayor Letner wished everyone a Happy Fourth of July.

In Old Business,

Motion by Zimmerlin, second by Swabb to read proposed Resolution No. 19-10. All yeas, motion carried.

Motion by Zimmerlin, second by Crane to accept the second reading of proposed Resolution No. 19-10 entitled, "A RESOLUTION AUTHORIZING THE ACTING CITY MANAGER TO ENTER INTO AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE STP PROJECT AT ARLINGTON ROAD AND UPPER LEWISBURG SALEM ROAD." All yeas, motion carried.

Mayor Letner informed the first reading of a proposed Ordinance to create a Storm Water Utility Fund was done a few months ago. He informed at that time \$4.50 per month per household and \$10 per business was approved. He stated something needs to happen and everyone knows there is a problem and it has to be addressed or it will continue to get worse. He stated with the recent increase to water, sewer and refuse rates, Council feels the amounts previously approved might be hard to swallow by most residents. He informed he would like to suggest cutting the amount in half and instituting a fee of \$2.25 per month per household instead. He stated we have to start somewhere.

Member Schreier stated he thinks that would be a fair way to start. He stated residents are also faced with the recent gas tax increase that just went into effect. He stated this would be a way to start small and could always be revised later.

Member Zimmerlin agreed. He stated he thinks Council and Staff should try to outline potential projects related to a Storm Water Utility Fund to communicate to residents. He stated even with \$2.25 fee, the generation of funds won't be a lot, but it's at least a start.

Member Schreier stated it would be a good start and a sign of good faith that we are willing to work with Montgomery County Soil and Water on possible co-development projects.

Mayor Letner informed there will not be a vote tonight, the Ordinance will be re-done and then a second reading will take place at the next Meeting. He stated this is something that needs to be done and it has been put on hold a little bit until there was a full Council, but now Council needs to get moving on it.

Law Director Stephan informed Council can pass a motion to amend the Ordinance and then do a second reading. He stated just to clarify, Council would like to cut all the rates listed in the Ordinance in half.

Member Zimmerlin stated the cut rates would be much easier for most people.

Acting City Manager/Finance Director Keaton informed cutting the fees in half would generate approximately \$68,000 a year. She reminded utility bills are quarterly, so it would take a little while to build up.

Member Zimmerlin asked with some of the redundancy issues Dayton has recently had, do we know if they are looking at making any improvements? He was wondering about future costs we might incur because of enhancements Dayton makes.

Service Superintendent Homan informed none of that information from Dayton has been shared with us.

Acting City Manager/Finance Director Keaton informed she is trying to get a meeting set up with Dayton's Water Director.

Mayor Letner stated he plans to bring up the recent water issues with Dayton, including water contaminants and the need for backup generators, with Congressman Mike Turner at their upcoming meeting. He stated we have had two interruptions of service so far this year.

Fire Chief Fletcher informed the chemicals in question have actually been removed from current day fire fighting foam, it is contaminants from the 1960's and 1970's when there weren't any containment for the practice foam used.

In New Business,

Motion by Schreier, second by Wilder to read proposed Resolution No. 19-12. All yeas, motion carried.

Member Zimmerlin asked what is the purpose of the emergency?

Acting City Manager/Finance Director Keaton informed the draft Resolution sent to us from Montgomery County was in emergency format. She stated they are trying to get all jurisdictions that participate with Montgomery County's Hazard Mitigation Plan up to date and they want all entities who participate to have a Resolution adopted.

Motion by Zimmerlin, second by Crane to accept the first reading, dispense with the second and third readings and adopt Resolution No. 19-12 entitled, "A RESOLUTION TO CONTINUE PARTICIPATION IN A MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN IN CONJUNCTION WITH THE MONTGOMERY COUNTY OFFICE OF EMERGENCY MANAGEMENT, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Bonnie Cordes, Park Board President, thanked everyone who has helped work on the bridge. She thanked everyone who has volunteered their time, made donations or helped in anyway. She informed the primer was able to be done in one night because of the amount of volunteers. She informed the bridge will be painted soon. She thanked Zach Music for donating the painting supplies.

Mayor Letner stated everyone has done a terrific job.

Mayor Letner provided a Planning Commission update. He informed at the last Meeting, Members discussed the site of the old BP Station. He informed they discussed the delay at the site and Zoning Officer Snedeker reported the delay was not because of the builders, but the inspectors from the County on approving the permits. He informed last week Acting City Manager/Finance Director Keaton sent Montgomery County an email on the issue and by the next day we finally had permits approved and now they should be back at work onsite.

Kim Cheatham, of 565 Adrian Court, asked what was the total amount of donations received for the tornado relief fund what is the total amount that has been dispersed so far?

Fire Chief Fletcher informed there is accounting for those funds and final numbers will be reported, but at this time he does not have those numbers.

Ms. Cheatham asked if Service Superintendent Homan ever met with Montgomery County Soil and Water after the last Council Meeting to discuss the result of the drone flyover? She asked when will Council have a final copy of the report?

Service Superintendent Homan informed he did meet with Stephan Bridenbaugh of Soil and Water after the last Council Meeting and he said it will be a few weeks before all of the data is compiled into a report. He informed some of the flyover will have to be repeated because of the tornado and the amount of debris down in certain sections of the creek.

Ms. Cheatham stated as a City we need a full disclosure of the problems. She stated we also need to know what kind of commitment we will have from Clay and Perry Townships?

Mayor Letner stated maybe there is someone locally that we could have fly a drone for our own benefit.

Member Swabb stated he could, he would just need to know the exact location and he could capture the footage and then email to Council Members.

Member Zimmerlin asked if any additional support might be created because of the tornado damage?

Service Superintendent Homan stated he is not sure about additional support, maybe additional work because of the amount of trees down as a result of the tornado.

Member Schreier suggested looking into the possibility of disaster funding being available. He stated we could easily provide documentation of before and after the tornado.

Service Superintendent Homan stated he will look into it and discuss with Montgomery County Soil and Water. He stated it may depend if we get the federal declaration.

Member Zimmerlin asked what about the homeowners along the creek in Trotwood, are they doing any cleanup?

Service Superintendent Homan informed Montgomery County has done some creek cleanup in that area since the storm.

Ms. Cheatham stated when Council talks about money and the potential of \$68,000 with a Storm Water Fund, they need to provide a big picture of where that money will go. She stated Council needs to be transparent and tell the community why and how this \$2.50 per month will be spent.

Member Zimmerlin reminded some costs associated with storm water projects will be tied back to the homeowners.

Ms. Cheatham stated it's hard for members of the community to grasp what the City is really facing.

Bobette Bowman, of 47 Western Avenue, asked how long before citizens can know when the contaminations will be removed from the water?

Service Superintendent Homan explained the primary well field affected is no longer being used. He informed only minor traces have been detected in the water and it is currently being monitored. He stated the levels found are well below testable limits and Dayton has no violations with the EPA, there are no harmful elements in the water.

Member Zimmerlin asked how long has it been in the water supply?

Service Superintendent Homan stated he has heard as far back as three years. He stated it was probably even there long before anyone knew it was there or what it was.

Fire Chief Fletcher stated for a long time it was not even considered a carcinogen and was not even a concern. He stated Dayton has their own lab that is constantly checking the water, contaminants and how they migrate. He stated if they have a concern, they stop taking water from that area of the aquifer. He stated there are no concerns from a consumption standpoint.

Member Zimmerlin stated it wouldn't hurt to bring someone in from Dayton to explain Dayton's water system.

Ralph Dove, of 939 Calmer Ernst Boulevard, stated for some reason he keeps having black in the water of the toilets and shower in his bathroom, he is not sure what it is, but is having a plumber come out to take a look.

Mr. Dove informed he met with Service Superintendent Homan about a week ago and explained to him about a hole in the road that keeps getting bigger near his home. He thanked Service Superintendent Homan for quickly patching the hole.

Motion by Zimmerlin, second by Wilder to enter into Executive Session per ORC 121.22 (G)(1) to consider the appointment of a public employee or public official. All yeas, motion carried.

Motion by Swabb, second by Zimmerlin to go back into Regular Session. All yeas, motion carried.

Motion by Schreier, second by Zimmerlin to adjourn. All yeas, motion carried.



Meghan Wheeler, Clerk



Charles Letner, Mayor