

Brookville City Council  
Regular Meeting  
December 18, 2018

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on December 18, 2018 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Kirklin, Letner, Schreier, Wilder and Zimmerlin; Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan, City Manager Burkholder, Finance Director Keaton and Clerk Wheeler were present.

Roll Call by Clerk Wheeler.

Mayor Seagraves informed Law Director Stephan has requested an addition to his report on tonight's Agenda for a proposed application of a liquor permit for the Pizza Hut located in the Brookside Plaza.

Motion by Zimmerlin, second by Schreier to approve the Agenda as amended. All yeas, motion carried.

Motion by Kirklin, second by Zimmerlin to approve the Regular Council Meeting Minutes of December 4, 2018; the Special Meeting Budget Work Session Minutes of December 4, 2018; and the Special Meeting Minutes of December 13, 2018. All yeas, motion carried.

Manager Burkholder had no report. He stated if any Council Members have any questions on any of the budget at anytime to not hesitate to call him.

Finance Director Keaton requested Council approval to enter into a contract with the Montgomery County Public Defender for 2019. She informed this Agreement allows the County to provide legal representation to indigent adults charged with a violation of an ordinance of a municipal corporation for which the penalty or possible adjudication includes potential loss of liberty. She informed the Agreement is the same as the year with the exception of a 2.5% rate increase, which would make the 2019 rate \$174.65 per case. She informed in 2018 we had one case, and in 2017 we had three cases.

Motion by Schreier, second by Zimmerlin to enter into a contract with the Montgomery County Public Defender for 2019 at a 2.5% increase with a rate of \$174.65 per case. All yeas, motion carried.

Finance Director Keaton requested Council select two of its Members to sit on the Volunteer Firefighters' Dependents Fund for 2019. She informed in 2018, Members Letner and Kirklin sat on the Board, and both have agreed to sit on this Board for 2019.

Motion by Zimmerlin, second by Schreier to appoint Members Letner and Kirklin to the Board of Firefighters' Dependents Fund for 2019. Motion carried with 4 yeas and two abstentions. Members Letner and Kirklin abstained.

Finance Director Keaton requested Council approval to receipt 90% of the revenue from EMS Billing into the General Fund for operations of the Fire Department and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund for 2019, the same as in 2018.

Motion by Schreier, second by Kirklin to authorize the Finance Director to receipt 90% of the revenue from EMS Billing into the General Fund for operations of the Fire Department and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund for 2019, the same as in 2018. All yeas, motion carried.

Finance Director Keaton requested Council approval to set the labor rate for the Service Department Mechanic at \$45 per hour for 2019, for work performed on the City fleet.

Motion by Zimmerlin, second by Wilder to set the labor rate for the Service Department Mechanic at \$45 per hour for 2019, for work performed on the City fleet. All yeas, motion carried.

Finance Director Keaton requested Council approval to allow her to issue Super Blanket Purchase Order Certificates in 2019 for recurring monthly and quarterly expenditures.

Motion by Schreier, second by Kirklin to allow the Finance Director to issue Super Blanket Purchase Order Certificates in 2019 for recurring monthly and quarterly expenditures. All yeas, motion carried.

Finance Director Keaton requested Council accept the first reading and dispense with the second and third readings and adopt proposed Resolution No. 18-28 that amends the 2018 Appropriations and Estimated Resources. She informed this Resolution shall take effect immediately after passage of this Resolution as provided in 4.07(A)(1) of the Charter of the City.

Motion by Kirklin, second by Zimmerlin to read proposed Resolution No. 18-28. All yeas, motion carried.

Motion by Zimmerlin, second by Schreier to accept the first reading, dispense with the second and third reading and adopt Resolution No. 18-28 entitled, "A RESOLUTION AMENDING THE 2018 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW." All yeas, motion carried.

Finance Director Keaton requested Council accept the second reading, dispense with the third reading and declare an emergency on proposed Resolution Nos. 18-19, 18-20, 18-21, 18-22, 18-23, 18-24, 18-25, and 18-26 as all Pay Resolutions go into effect with the pay period including January 1, 2019.

Motion by Schreier, second by Zimmerlin to read proposed Resolution Nos. 18-19; 18-20; 18-21; 18-22; 18-23; 18-24; 18-25; and 18-26. All yeas, motion carried.

Motion by Zimmerlin, second by Kirklin to accept the second reading, dispense with the third reading, declare an emergency and adopt Resolution No. 18-19 entitled, "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME HOURLY CITY EMPLOYEES, AND DECLARING IT AN EMERGENCY." Resolution No. 18-20 entitled, "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR SEASONAL AND/OR TEMPORARY, PERMANENT PART-TIME AND CONSTRUCTION INSPECTOR HOURLY CITY EMPLOYEES, AND DECLARING IT AN EMERGENCY." Resolution No. 18-21 "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CLERK OF COUNCIL, AND DECLARING IT AN EMERGENCY." Resolution No. 18-22 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CITY MANAGER, AND DECLARING IT AN EMERGENCY." Resolution No. 18-23 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FINANCE, AND DECLARING IT AN EMERGENCY." Resolution No. 18-24 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FIRE, AND DECLARING IT AN EMERGENCY." Resolution No. 18-25 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF POLICE, AND DECLARING IT AN EMERGENCY." Resolution No. 18-26 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF LAW, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director Keaton requested Council accept the second reading, dispense with the third reading and adopt Resolution No. 18-27, as provided in Section 4.07 (A)(1) of the Charter of the City. She informed Council has received a revised copy of proposed Resolution No. 18-27, the Annual Appropriation Resolution, which was increased \$57,000 in the Capital Improvement Fund, as the Hofacker Precision Machining ED/GE Grant was recently approved by Montgomery County. She informed the total of all Appropriations also increased by this same amount.

Motion by Kirklin, second by Zimmerlin to read proposed Resolution No. 18-27. All yeas, motion carried.

Manager Burkholder asked Council Members if they had any comments relative to revenues in this proposed budget or any cuts they would like to see since this is a deficit budget? He asked if Council had any recommendations at all? He stated this budget does not include any capital improvements with the exceptions to the ones already applied for, for example the STP Project on Wolf Creek Street. He stated capital improvements for each Department has been cut from this budget in order to try to close the gap between revenue and expenditures.

No additional comments received from Council Members.

Motion by Zimmerlin, second by Schreier to accept the second reading, dispense with third reading and adopt Resolution No. 18-27 entitled, "A RESOLUTION TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF BROOKVILLE, STATE OF OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019." All yeas, motion carried.

Mayor Seagraves thanked Finance Director Keaton and Paul Rennick for presenting during the Budget Work Session tonight.

Finance Director Keaton requested Council accept the first reading of proposed Ordinance Nos. 2018-15, 2018-16 and 2018-17.

Motion by Schreier, second by Kirklin to read proposed Ordinance Nos. 2018-15, 2018-16 and 2018-17. All yeas, motion carried.

Motion by Schreier, second by Kirklin to accept the first reading of Ordinance No. 2018-15 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3 SECTION 931.20(A) FIXING THE RATES AND CHARGES TO ALL WATER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO." Ordinance No. 2018-16 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3, SECTION 935.14(C)(1) FIXING THE RATES AND CHARGES TO ALL SEWER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO." and Ordinance No. 2018-17 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCE PART 9, TITLE 5, SECTION 957.06(A) AND ADDING SECTION 957.06(E) FIXING THE RATES AND CHARGES TO ALL REFUSE CUSTOMERS SERVICED BY THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Fire Chief Fletcher reported an uptick in Fire and EMS calls. He stated EMS billing is down though. He reminded a payment from an EMS call done yesterday could be received in three months or in 18 months. He stated we have no control when people pay their EMS bills and it is an extremely difficult item to know if we are going to get paid for.

Fire Chief Fletcher reported the Fire Department has been utilizing the features of the new systems built into the new fire station for carcinogen control and all are working out well and as planned.

Fire Chief Fletcher stated when it is talked about having a budget that cuts capital improvements, it needs to be realized that just a few years ago we were beat up for not having any plans for the future, but yet a budget with no capital improvements will cut an ambulance replacement from our capital improvement plan. He stated if the revenue problem is not addressed, the problem will only be exasperated as we go along and it's a can we cannot continue to kick. He stated they have to be provided with the money necessary to provide the services or the services have to be changed.

Police Chief Jerome reported the Brookville Police Department handled 708 Incidents year-to-date, compared to 732 during this same time last year. Police Chief Jerome reported Citations are up a total of 48 Citations year-to-date, for a total of 538 Citations issued year-to-date. There were 163 traffic stops for November compared to 171 during November 2017.

Police Chief Jerome reported the Police Department wrapped up with Toys for Tots last week. He informed they also used the money raised from "No Shave November" to purchase lots of food items and then distributed those items to two local food banks. He wished everyone a Merry Christmas.

Law Director Stephan provided an update on the Vine Street property. He informed a complaint was filed several months ago and we currently have a Legal Notice in the Dayton Daily Newspaper. He advised the Legal Notice will be completed at the end of this month, then those defendants would have 28 days to file answers. He informed three creditors have filed answers in the case and he is hopeful we will be able to work out a resolution with them. He informed he is looking at February to file the appropriate motions with the court to try to get a court order on the buildings.

Law Director Stephan reported he received a notice from the Ohio Division of Liquor Control. He informed Buckeye Valley Pizza Hut, LTD that operates the Brookville Pizza Hut on Wolf Creek Street inside the Brookside Plaza has requested a D1 Liquor Permit, which is for beer only for carryout. He informed Council can request a hearing to object to this permit or we can indicate we have no objection. He advised Staff recommends no hearing. He informed the restaurant is located within 500 feet of Golden Gate Park. He stated there have had no past issues with this business.

Mayor Seagraves asked how is it determined that the person calling into order a pizza order isn't going to purchase alcohol for minors?

Law Director Stephan advised any business selling alcohol of any kind in Ohio is to ensure the person purchasing has an adequate ID and is of the proper age.

Member Letner asked if this includes delivery?

Law Director Stephan informed it is for carryout, it has to be on premises.

Motion by Zimmerlin, second by Schreier to waive a hearing with no objections to the D1 Liquor Permit for Pizza Hut located at 428 N. Wolf Creek Street. All yeas, motion carried.

Mayor Seagraves wished everyone a Merry Christmas. He stated 2018 has been a great year and he has enjoyed his time with his fellow Council Members. He stated the three new Council Members this year have done a terrific job and he has enjoyed working with them and appreciates all of Council's hard work. He stated he looks forward to continuing to work with them in 2019. He stated 2018 was a challenging year, but he is very appreciative to the dedication and hard work of his fellow Council Members. He thanked the City Staff for all of their work and amazing credit goes to the Staff Members who give their hearts and souls to this community. He stated the City is working with a smaller staff than in years before, but yet still getting a lot of things done. He also thanked the citizens for being a part of this community. He thanked everyone for giving him the opportunity to serve as the Mayor.

Mayor Seagraves reminded the first Council Meeting in January will fall on Tuesday, January 1, which is New Year's Day and has been rescheduled for Wednesday, January 2, 2019.

In Old Business,

Motion by Zimmerlin, second by Kirklin to read proposed Resolution No. 18-17. All yeas, motion carried.

Motion by Kirklin, second by Zimmerlin to accept the third reading and adopt Resolution No. 18-17 entitled, "A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2019 FOR TAX YEAR 2018." All yeas, motion carried.

Mayor Seagraves informed New Business was covered in Finance Director Keaton's report.

Member Kirklin, Park Board Liaison, reported at the last Park Board Meeting, Members discussed needs for the parks in 2019 and an alternate route was also discussed for next year's Community Picnic since the pedestrian bridge from the park to the Theatre has been closed down. She reported the Christmas in the Park Event was very successful and Members had a great wrap up dialogue on the Christmas in the Park Event and ideas were discussed for next year's event. She stated a few decorations still need to be removed from Shelter #3.

Mayor Seagraves stated the event seemed to go very well and he appreciates all the help from the various groups that helped to decorate the park. He stated the Chamber's Christmas tree lighting was also very successful and it's amazing how the event has grown over the last few years. He stated it was great to see the Christmas Tree be lit at one end, Santa at the other end and all of the businesses opened in between.

Adam Blevins, Chamber of Commerce President, thanked the Service Department for all they did to help with the Tree Lighting Event. He stated the Chamber's goal is to continue to grow Brookville's businesses. He wished everyone a Merry Christmas.

Mayor Seagraves stated the Chamber's ongoing efforts these last few years have been wonderful to see and are much appreciated. He stated the Chamber has done some wonderful and successful things.

Member Schreier, Planning Commission Member informed the December Planning Commission Meeting has been cancelled. He stated downtown will be a focus of discussion next year.

Manager Burkholder informed the emergency only parking signs will be removed soon from Fire Station #1 in order to have some additional public parking spaces.

Mayor Seagraves thanked audience members for attending tonight's Meeting.

Adam Blevins, Chamber of Commerce President, stated one concern the Chamber of Commerce has is the pedestrian bridge being closed down from the park to the theatre. He stated their biggest fundraiser each year is the Community Picnic and last year they estimated 70,000 people in the park and a lot of those people used the pedestrian bridge. He stated the Chamber understands the repair of the pedestrian bridge will be a financial burden on the City to replace and they are looking at ways they might be able to help with those repairs. He stated the Chamber would like to work with the City in ways to help fund this project because it is a major concern for them.

Mayor Seagraves stated Mr. Blevins has a valid comment and concern. He stated the Staff has similar concerns. He stated maybe it can be a discussion that can get various businesses, the Chamber, service groups all involved in and a game plan can be determined by working together as a team. He stated the bridge has been condemned because it is not safe and he does not want

to see any sort of accident. He stated Council is fully aware of the concern but it will not be a cheap endeavor and also is not something that can just be fixed overnight.

Mayor Seagraves thanked audience members for attending tonight's Meeting.

Mayor Seagraves informed tonight's Executive Session will be to consider the appointment of a public official. He informed Council interviewed seven applicants to fill the open seat on City Council. He stated Council was pleasantly impressed by the group of people who applied for the position. He thanked all the applicants for taking the time to submit their interest. He reminded the open Council seat is for the year 2019 to fill the expiring term of Margo Cantrell, which expires December 31, 2019. He stated those interested in running in the next election next year, if elected, would then be appointed to a four year term.

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

Motion by Kirklin, second by Schreier to enter back into Regular Session. All yeas, motion carried.

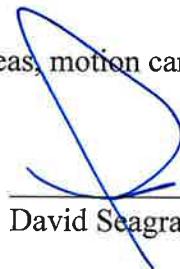
Motion by Kirklin, second by Schreier to appoint JD Fowler to the open Council seat effective January 2, 2019 through December 31, 2019. All yeas, motion carried.

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

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Meghan Wheeler, Clerk of Council



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David Seagraves, Mayor