

Brookville City Council  
Regular Meeting  
February 20, 2018

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on February 20, 2018 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Kirklin, Letner, Schreier, Wilder and Zimmerlin; City Manager Burkholder, Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan and Clerk Wheeler were present. Member Cantrell and Finance Director Keaton were absent.

Mayor Seagraves welcomed everyone.

Roll Call by Clerk Wheeler.

Mayor Seagraves requested an Executive Session per ORC 121.22 (G)(1) be added to the Meeting's Agenda. He informed Manager Burkholder has requested his Manager's Report be moved from first to last of the Staff Reports.

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

Mayor Seagraves requested a moment of silence for the victims and first responders of the Florida school shooting, the fallen officers in West Chester, Ohio and for Montgomery County Recorder, Willis Blackshear who passed away yesterday after a long hard battle with cancer.

Motion by Schreier, second by Kirklin to approve the Regular Council Meeting Minutes of February 6, 2018; the Special Council Meeting Minutes of February 6, 2018; and the Special Council Meeting Minutes of January 30, 2018. All yeas, Motion carried.

Fire Chief Fletcher presented the 2017 Fire Department Officer of the Year Awards.

Fire Chief Fletcher presented the 2017 EMS Provider of the Year Award to Scott Schockman. He informed Scott was hired in February 2016, lives in Carlisle, is a full-time Fire Fighter for Fairborn and is a 3rd generation Fire Fighter.

Fire Chief Fletcher presented the 2017 Fire Fighter of the Year Award to Kyle Sewert. He informed Kyle lives in Brookville, was hired in August 2005, also worked for the Brookville Police Department for a period of time and then came back to the Fire Department in September of 2013. Chief Fletcher informed Kyle is currently a Detective for the Riverside Police Department, is a 4th generation fire fighter, lives in town with his wife and is about to be a first time father.

Fire Chief Fletcher stated he has an excellent staff and he could not be more proud.

Fire Chief Fletcher informed the 2017 Officer of the year Award will be presented at the next Council Meeting and the recipient will also be sworn in as a new position of Captain.

Mayor Seagraves thanked the Fire Fighter, EMS and Police for all their work. He stated it's unfortunate tonight's Meeting had to start off with sad circumstances in Westerville and Florida. He stated these guys really put their jobs first and sometimes that is overlooked by the public but we owe a great deal of thanks to the families of Fire Fighters and Police Officers because those first responders sometimes put their jobs first and they eat, sleep and live at the fire station or police station, which takes them away from their families. He thanked all family members of our Police and Fire Departments and stated they are truly appreciated.

Member Letner stated with a moments notice they are off answering a call and the more he hears dispatch calls during the day or especially during the night, it takes true commitment from these individuals and he truly appreciates their hard work and sacrifice.

Member Schreier stated the amount of training these jobs take and the time these individuals devote to their jobs is amazing.

Mayor Seagraves again said thank you and stated in talking with both Chiefs, he understands that domestic calls can be so uncertain and crazy because you do not know what you are actually going into and those types of calls can end badly so quickly. He stated times have certainly changed. He thanked all first responders for making Brookville a great spot to live and for their sacrifices and time dedicated to this community.

Motion by Zimmerlin, second by Kirklin to appoint Don Cordes and Jessi Sievers to the open Planning Commission Seats. All yeas, motion carried.

Motion by Letner, second by Kirklin to enter into Executive Session per Ohio Revised Code 121.22 (G)(6) on details relative to the security arrangements and emergency response protocols for a public body or public office. All yeas, motion carried.

Manager Burkholder requested Police Chief Jerome and Fire Chief Fletcher attend the Executive Session.

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

Fire Chief Fletcher thanked Council for the opportunity to bring forward deserving individuals for deserving recognition.

Fire Chief Fletcher reported crews worked hard and did a great job on a house fire over the weekend on Route 40 that was a stubborn fire in an attic of an old home.

Fire Chief Fletcher informed the Fire Department has been busy helping our neighbors on multiple fires in Clayton, New Lebanon, and Farmersville. He stated they have had a busy month so far.

Mayor Seagraves stated it is important for everyone to know how important the fire levies are. He asked Chief Fletcher to speak on the levies and give some true clarification because there is opposition out there that just cannot see the facts of why these levies are important. He stated he wants to make sure everyone is clear on the facts and if residents have any questions please contact a Council Member or the City Manager. He stated not everything you see on Facebook or hear from others is accurate. He stated there are typed minutes from all Meetings, those Minutes are posted online and all Meetings are recorded. He stated there seems to be a great misconception of who spends the levy money and how the money will be spent.

Fire Chief Fletcher informed that if someone is in Clay or Perry Townships, unincorporated or incorporated, then they are subject through a property tax levy for Fire/EMS collections for what make up the Fire Department's Budget. In Perry Township, all money received is split evenly among the New Lebanon and Brookville Fire Departments. He stated the only thing that money can be spent on is for the Fire Departments in Brookville and New Lebanon to do Fire and EMS. He stated that money cannot be used to fill potholes, the Police Department or anything else. Levy money can only can be used on fire equipment, personnel, supplies and services related to the Fire Department. Chief Fletcher informed in Clay Township there is Phillipsburg, Verona and Brookville Fire Departments. He stated those Departments split and divide the territory on Fire and EMS calls. He stated he has worked in this region for 32 years and there may not be a perfect, fool proof way to split the money up between those Departments but the equitable split that has been agreeable to the communities for the past many years and is current today is 60, 35

and 5. He informed 60% comes to the City of Brookville, 35% to Phillipsburg, and 5% to Verona. Chief Fletcher stated if one of the Departments that covers Clay or Perry Township were to not receive those levy funds, they could not operate. He informed the Brookville Fire Department calls on those other Departments for help and if Brookville took all of the money then those other Departments could not exist. He stated the fact that those Departments exist, is very important to Brookville and Brookville's Fire Department could not take care of the entire region by itself and residents have come to expect a certain standard level of care and expect an ambulance to their home within five to seven minutes.

Fire Chief Fletcher stated if you pay the Clay Township Fire/EMS levy then you are paying for Fire/EMS services in Clay Township.

Manager Burkholder stated the fire levy money can only be spent on fire services and that is it. Levy money is in a dedicated fund and can not be spent for any other service. He stated he wants to make certain that everyone understands the information because this is not only a public safety issue for the City of Brookville, but all of Clay and Perry Townships as well.

Manager Burkholder informed about two in half years ago, Chief Fletcher did some research and suggested changing the jurisdictional boundaries to help avoid confusion on where the dividing line is on a single road. He stated there was not a lot of trust to begin with when this was first proposed because the Townships feared the amount of money they received would be lessened but the City assured them that would not be the case. He stated the only reason the jurisdictional boundaries were changed was to help make it safer for everyone. He informed Clay Township contracted with the Ohio Fire Chief's Association to do a Study, which confirmed the need for the boundary change. Manager Burkholder reminded that last fall, representatives from the Townships, Verona and Phillipsburg came to Council and spoke on their need for this levy money. He stated his concern is that some of the things said at past City Council Meetings or Township Trustee Meetings are being misinterpreted. He stated he has heard people misquote things he has previously said and seen things on social media that are incorrect with how money will be spent from the Fire Levy. He stated people have asked why should they pay to support another Fire Department than the one they live in and the correct answer is if they are paying a fire levy then they are paying for the Department that services them, which is the Brookville Fire Department. He stated we as a Council need to speak with one voice and clear up misconception and it is disturbing to him that there are people campaigning to defeat this need based on false information and a misunderstanding. He stated he is happy to answer any questions from any resident or anyone with a question on how the levy money would be spent.

Manager Burkholder stated with the Fire Levy, the fire department budget would increase, but the money has to be spent in the Fire Department. He suggested some items the additional funds could be used for would be operational costs, payroll, supplies, and equipment. He stated the misconception on the budget is that we do not have to spend everything that is brought in, money can be saved. He stated appropriations are done each year and we can't spend more than what is appropriated. He informed that if money is not spent, it is not lost, but put in the reserve fund. He wants to make sure not only Council, but those in the community can arm themselves with the correct information so if they hear misinformation they can correct it.

Fire Chief Fletcher stated there also seems to be a misunderstanding that the Fire Department bought a ladder truck this year and that is why we need more money. He stated that is not true. He informed the only mention of a ladder truck he has brought to Council was in our ISO Report, when it was explained that we lose points on the report for not having one. He stated his point has always been we do not have a building to support a ladder truck and we needed to address the building issue first. He informed his Capital Improvement plan has 2021 projected as the first opportunity to consider purchasing a ladder truck. Chief Fletcher stated the Fire Department would need this levy to pass in order to save the money needed for a ladder truck in the future.

Fire Chief Fletcher stated he gets asked: Why does the new firehouse have sleeping quarters? Why are fire fighters sleeping at the firehouse? He informed most Fire Fighters work 12 hour shifts and for multiple agencies. He stated we do not want our Fire Fighters providing care while fatigued, that would be a dangerous way to operate. He described personnel live in the firehouse 12-36 hours straight and need accommodations to sleep, eat and do their jobs. He informed the sleeping quarters in the new fire station are appropriate and consistent with any other modern firehouse in any other community in this country.

Manager Burkholder stated everyone's support is needed on this matter.

Mayor Seagraves stated we need everyone on board and to get the facts out there. He stated he wants to be clear on a few things. He stated there is talk of transparency and the new Members had concerns of not enough transparency with the community and that has been taken to heart. He stated he, Member Letner and Member Kirklin are lifelong residents of this community and can say without any reservation they are doing the best they can to take care of this community and have no reason in their heart and soul to do anything to harm to this community. He stated Council has nothing to hide, the books are open to the public, and if someone thinks there is something being hid, bring it to their attention. He stated we live in a wonderful community, great things are being done and if you talk with realtors, they can't keep homes for sale in Brookville. He stated why is that, well that's easy, we have great schools and a great community. Mayor Seagraves informed he brought his kids back to this community to live and he wouldn't do that if he didn't love this community.

Mayor Seagraves stated if anyone has any questions on anything to please let Council or Staff know.

Member Kirklin encouraged residents if there is any concern or question to please come forward, Council Member's phone numbers are public and posted, so call them to ask a question or just talk. She stated it is so important for the City's decisions to be transparent, but it is also just as important for the concerns of the citizens to be transparent as well.

Mayor Seagraves stressed the importance of clarity. He reminded that Councilman Duncan made a plea before he left Council for Council and Staff to work together with unity as a team. He stated he knows for a fact that himself, Members Cantrell, Kirklin, and Letner will and have worked together with the three new Council Members and have done nothing to mislead them or hide anything from them. He stated they and the City Staff will provide any information needed to the new Members.

Mayor Seagraves asked if Council Members or Staff have done anything at anytime to misguide the new Council Members? He asked Members Wilder, Schreier and Zimmerlin and all said no.

Member Kirklin stated working together as a team does not mean everyone has the same opinion or ideas on things, but it does mean that they have respect for one another and deal with things in an up front way.

Manager Burkholder stated he wants the community to know in Staff discussions, it has been said that Staff wants Council to be great just as past Councils have been. He stated there seems to be a lot of naysayers and negative comments in the community and a lot of negative comments are seen on Social Media. He stated those comments on Social Media are usually anonymous and that's because they are lies, they are false, personal attacks and sometimes slanderous. Those individuals do not want the community to know the truth about what is really being done or the projects that have gone forward.

Manager Burkholder stated he would like to clarify a few points. One would be that the City of Brookville is moving in the right direction because of a team effort by Council and Staff to accomplish goals set by a former administration. He stated one of those items is the new fire station, another is the Market Street Extension. He informed he found the Planning Commission

Minutes from a 2009 Meeting where the Market Street Extension and the new firehouse was discussed and it was stated then that the Market Street extension was the first phase of building a new firehouse. He stated there have been a lot of comments made that Market Street was never planned or was never suppose to be, but Market Street and the new firehouse was always one project. He informed the City was fortunate enough to get the financing and be able to move the project forward.

Manager Burkholder stated there were critics on the booster pump being installed, the critics said it wasn't needed but that was false. Manager Burkholder informed the booster pump saved the jobs at Payless. He stated the long term solution for Payless is the water tower. He described that had Payless left, that could have been approximately 200 jobs lost but since the City made the commitment to infrastructure they are now staying in Brookville.

Manager Burkholder stated the City is on the right track and he feels will continue on the right track, but does have financial needs.

Manager Burkholder informed critics are attacking the new firehouse and the Market Street Extension Project again and these projects are almost completed. He stated they are recirculating the criticisms they had before and their intent is to try and get the fire levies not to pass. He stated the critics are accusing the current and past Council of overspending.

Manager Burkholder stated the last and most important thing to clarify is the City is not bankrupt. He stated the latest tactic that seems to be going on is people going around town saying the City is bankrupt. He had a gentleman come in the City Office last week commenting about the City being bankrupt and when he tried to talk to him and inform him of the facts, the man would not engage in a conversation at all with him and stated he was not interested in talking with him and did not care to meet him.

Manager Burkholder informed he came to Brookville in July 2015. He informed in the beginning of 2016 we had a cash carry over of \$1.7 million. From 2016 to 2017 we had a cash carry over of \$1.9 million and we started this year with \$2.2 million cash in the bank. He stated when people say the City is bankrupt or are overspending, it just simply is not true. He stated with that being said, it doesn't mean we can buy whatever we want, we have to have a carry over every year. He informed the \$2.2 million is only three months operating cash. He informed if we were to have a business leave and we lost the income tax, that extra cash flow would diminish. He stated we have to have a strong reserve to keep doing projects, to keep the operations moving and to keep our community safe with Police and Fire services. He informed those are the finances that he would like to discuss more and to to educate the public on these type of things. He stated it takes a lot of time trying to dispel the naysayers, the people who do not want the correct information to get out to the community. He stated it is important not only for the elected Officials, but also the appointed Officials to instill confidence in our community that we are moving in the right direction and we do live in a safe community that is growing and providing jobs. He stated this City does have a great Council and a great Staff. Manager Burkholder stated enough is enough though and the lies are hurting the City and do not bring unity. He stated his speech is not to the naysayers but to the people who truly care about this City and want to know the the truth of how the City is really doing. He stated he gives credit to the past and those individuals who laid the foundation for the projects being done now. He stated some projects have been in the planning stages for years, for example the Market Street Extension was talked about three decades ago.

Manager Burkholder stated he comes to work every day excited and positive because he knows we are moving forward and he works with great people. He asked everyone to be an activist and get the right information out.

Mayor Seagraves stated City Council hired Gary Burkholder and he works for Council. People are constantly bashing him on Facebook and if people want to bash someone they should bash the people that are directing him. He informed in 2015, it was a 7-0 Council vote to hire

Manager Burkholder. At that time, Council wanted to make a change and go in a different direction when the former City Manager had retired and Council knew they needed to make changes to bring Brookville current. He stated Council will not bash the former management, they have retired and moved on but the City cannot sit in a shell and think we can just float by, Council needs to make sure the City is a safe, healthy environment for people to raise families in. Mayor Seagraves stated Manager Burkholder does what Council directs him to do. He also wanted to clarify Manager Burkholder lives in Brookville and has since day one. Mayor Seagraves stated who cares if he spends his weekend away from Brookville, if he is needed, he is always available and can always be reached by phone or email.

Mayor Seagraves stated Manager Burkholder is one of the few people that pays 2% City Incomes Tax to Brookville because he lives and works inside the City of Brookville. He stated it does not matter who the City Manager is, Council drives the boat. He stated Manager Burkholder is doing a tremendous job, but he is doing what he is being told to do. He stated there are some naysayers out there that just can't tell the truth.

Mayor Seagraves informed the State of Ohio changed the regulation of having to live in the same City you work in. He stated Member Zimmerlin's wife works in Cincinnati as an Assistant City Manager and she drives back home to Brookville every day.

Law Director Stephan advised there was an Ohio Supreme Court case that ruled stating Cities cannot mandate that their employees reside within in the community.

Mayor Seagraves stated the community has to move on from these type of comments.

Police Chief Jerome reported the Brookville Police Department handled 63 Reportable Incidents year-to-date, compared to 54 during this same time last year. Chief Jerome reported Citations were down a total of 5 Citations year-to-date, for a total of 58 Citations issued year-to-date. He reported 191 Traffic Stops year-to-date for 2018.

Police Chief Jerome informed a lot of their calls seem to be so much more cumbersome than in years past. He explained for example last week two of our Officers noticed a school bus out driving at 2:51 a.m. which was odd and then the bus made a traffic violation, and when followed, decided to flee and assumed stolen. He described a brief chase followed but in car cameras showed the speed only hit a maximum speed of 55 mph. He informed the chase was cut off at Wolf Creek and Diamond Mill and his Officers did a great job calling out the chase and thankfully so because a crash was avoided when the bus ran a stop sign. The bus was followed without lights into Trotwood, where the stolen bus hit a parked car. He informed the bus was stolen in Preble County and when more than one jurisdiction is involved, one or the other will decide to take all the charges to prosecute. He reported Brookville took all the charges, and Judge Purgies set a bond of \$150,000 cash and the subjects stayed in jail. He informed this case took two days between all of the phone calls among the other jurisdictions involved, the Prosecutor's Office, the school and interviews. He stated lots of man-hours including himself was involved in this case, and with serious cases like this, it is all hands on deck. He stated thanks to our friend I-70, that is where the bus came from.

Member Kirklin stated it is apparent, Judge Purgies understands and appreciates that a Department has spent two days developing the case and it's supporting documents so that when it comes before the judge, there is a level of confidence and trust that all the pieces are going to be there.

Police Chief Jerome stated he gives his Staff credit because we do have that credibility, the reports are right, the facts are there, the evidence is done and just because we are a small community doesn't mean we can't be looked to from others for advice or for doing things right. He assured if we didn't do things right, Judge Purgies would not support us, he is very articulate and does his due diligence. Chief Jerome stated he is very delighted with his responses.

Mayor Seagraves stated the stolen bus reminds him of the transformation the City went through a few years ago when the service vehicles weren't being locked up.

Manager Burkholder informed after he first started he learned vehicles and equipment weren't being locked up at the Service Garage and keys were being left in vehicles. He stated it was not popular with Staff at first but it had to be done, what seems safe can turn dangerous very quickly. He informed signs were posted at the Service Garage that states authorized personnel only. He stated everything is safe and locked at the Service Garage and Wastewater Treatment Plant and a more proactive approach had to be taken since we do have the interstate and crazy things come from the interstate.

Law Director Stephan advised Ordinance 2018-05 is before City Council to comply with the mandate of the Ohio General Assembly that municipal corporations adopt Ohio Revised Code Sections 718.80 through 718.95 to provide for centralized collection and administration of municipal net profit taxes. As noted in the proposed Ordinance, Judge Cain in the Franklin County Municipal Court did grant a preliminary order extending the deadline for municipal corporations to adopt these Ohio Revised Code sections until February 24, 2018. The Court held a hearing on February 12 and 13, 2018, and the Judge indicated that a decision would be made prior to February 24, 2018 regarding the request of the municipal corporations for a preliminary injunction of this law. As of today, the Court has not rendered a decision.

Law Director Stephan informed Frost, Brown and Todd, the lead law firm in this litigation, has suggested that cities consider passing this Ordinance to enact Ohio Revised Code Sections 718.80 through 718.95 while at the same time reserving the right to continue contesting these provisions through the pending litigation. He requested City Council dispense with the second and third readings of this Ordinance so that it is passed prior to February 24, 2018, which is the date the current court order will end.

Motion by Zimmerlin, second by Kirklin to read proposed Ordinance No. 2018-05. All yeas, motion carried.

Motion by Letner, second by Kirklin to accept the first reading, dispense with the second and third readings and adopt Ordinance No. 2018-05 entitled, "AN ORDINANCE TO AMEND THE CITY OF BROCKVILLE INCOME TAX CODE TO ADOPT SECTIONS 718.80 THROUGH 718.95 OF THE OHIO REVISED CODE." All yeas, motion carried.

Manager Burkholder reported a Fire House Update. He informed the project is on schedule, with progress made on the standing seam roof. Items funded by the Safety Grant are being purchased. Half of the apparatus bay has been painted. Work continues on the IT room and locution. The next Coordination Meeting is on February 22.

Manager Burkholder informed he attended the Miami Valley Regional Planning Commission Technical Advisory Committee (TAC) meeting. Brookville's South Wolf Creek STP repaving project received approval by the TAC and will be forwarded to the full MVRPC Board for approval in March. The grant amount for this project is \$83,643.

Manager Burkholder reminded the follow up Storm Water Work Session for Council will be held on Tuesday, February 27th with a presentation by Montgomery Soil and Water Conservation District. The meeting will be at the Brookville High School cafeteria at 6:30 p.m. Council has a copy of the contract to select the Montgomery County Soil and Water Conservation District as the City's administrator of our Storm Water Management Plan and EPA reporting. Staff recommends passage.

Manager Burkholder informed the WWTP Wet Well Restoration Project has been completed and photos have been provided to Council as a part of his report.

Manager Burkholder stated he has solicited an estimate for repairs to the Brookville Community Theatre.

Manager Burkholder informed he attended the I-70/I-75 business breakfast with Jeff Hoagland, President and CEO, of the Dayton Development Coalition as the guest speaker with an update on the economic and job indicators for 2017.

Manager Burkholder reported he recently updated the Brookville Planning Commission on the City capital improvement projects with an update and recommendations on the strategic planning process for the City. The Commission supports going forward with the Request for Qualifications from consultants for the completion of a strategic plan. The Commission also supports the pursuit of grant funding for this project.

Manager Burkholder forwarded revised Fire/EMS contract language to the Perry Township Board of Trustees for review and passage.

Manager Burkholder informed he recently heard an elected Official indicate they had heard the City purchased a ladder truck for the Fire Department. Manager Burkholder stated he assured the Official this was false and the City has NOT purchased a ladder truck.

Manager Burkholder informed the City's Capital Improvement Plans are listed on the City's website.

Member Wilder asked how many water main breaks have occurred this year?

Manager Burkholder informed about seven or eight so far this year. He informed we have had more already this year, than we did all of last year. He stated breaks are a big challenge and cost a lot of money in overtime. Service Superintendent Homan is working on obtaining a schedule from Vectren on their gas line repairs in order to coordinate with our own repaving and street projects. He stated he does not see any repaving being done this year because we want to make sure our undergrounds are in first.

Mayor Seagraves had no report.

In Old Business,

Motion by Kirklin, second by Schreier to read proposed Resolution No. 18-01. All yeas, motion carried.

Motion by Kirklin, second by Schreier to accept the third reading and adopt Resolution No. 18-01 entitled, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS PROPERTY EITHER AT A PUBLIC AUCTION, PRIVATE SALE, OR BY INTERNET AUCTION." All yeas, motion carried.

Motion by Kirklin, second by Zimmerlin to read proposed Ordinance No. 2018-01. All yeas, motion carried.

Motion by Letner, second by Schreier to accept the third reading and adopt Ordinance No. 2018-01 entitled, "AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS, VINES, GRASS AND OR OTHER VEGETATION DURING THE YEAR 2017 FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE." All yeas, motion carried.

Motion by Letner, second by Kirklin to read proposed Ordinance No. 2018-02. All yeas, motion carried.

Motion by Schreier, second by Kirklin to accept the third reading and adopt Ordinance No. 2018-02 entitled, "AN ORDINANCE LEVYING ASSESSMENTS FOR DELINQUENT UTILITY BILLS FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Motion by Letner, second by Zimmerlin to read proposed Ordinance No. 2018-03. All yeas, motion carried.

Motion by Letner, second by Kirklin to accept the third reading and adopt Ordinance No. 2018-03 entitled, "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF SIDEWALKS, CURBS AND GUTTERS IN THE CITY OF BROOKVILLE, OHIO." All yeas, Motion carried.

Motion by Letner, second by Schreier to read proposed Ordinance No. 2018-04. All yeas, motion carried.

Manager Burkholder cleared Ordinance No. 2018-03 is for the construction of sidewalks, curbs and gutters on Market Street and Ordinance No. 2018-04 is for the construction of sidewalks, curbs and gutters on Crosswell Avenue.

Motion by Letner, second by Schreier to accept the second reading of proposed Ordinance No. 2018-04 entitled, "AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF CURBS AND GUTTERS IN THE CITY OF BROOKVILLE, OHIO." Motion carried with 5 yeas and 1 abstention. Member Kirklin abstained.

Mayor Seagraves asked if there was any further discussion on the Community Survey and Council retreat?

Member Letner stated he thinks it is worth looking into but the full Council should be present to make any decisions. He suggested tabling until the next Regular Meeting.

Mayor Seagraves agreed.

Member Letner informed the City of Kettering does one every other year.

Manager Burkholder informed Staff will continue to put information together and pricing.

Mayor Seagraves stated he knows the City of Kettering ties their community survey results into their Council Retreat. He suggested doing the survey first then the Council Retreat.

Council Members agreed.

In New Business,

Manager Burkholder informed a copy of the proposed contract with Montgomery County Soil and Water has been provided to Council Members. He informed the City does need an administrator MS4 plan for storm water management required by the Ohio EPA. He informed Montgomery County Soil and Water is already working with the surrounding communities near us. He informed we will need help with the filing of reports and it is Staff's recommendation to pass the approval of this contract. He informed the contract would begin April 1, 2018.

Mayor Seagraves stated with this approval it sends a clear message to the citizens that Council is committed to try and get some of the some storm water issues resolved.

Motion by Kirklin, second by Letner to approve the Contract with Montgomery Council Soil and Water. All yeas, motion carried.

Manager Burkholder informed he was contacted by the Assistant City Manager from Dayton in regards to some of the issues the City of Dayton is having with their water. He provided Council with a copy of a letter from the City Manager of the City of Dayton. He informed the City of Dayton has taken the lead on this issue and is asking for a letter of support since we receive our water from the City of Dayton. He suggested Council Members take some time to review over the information. He stated there is a lot of information in the letters received from the City of Dayton and the letter the City of Dayton sent to the Air Force Base, so he is not asking for a decision tonight. He informed Dayton does have some serious concerns, they want to take a very proactive approach and to protect the Wellfield. He would also like Council to review the language of the draft letter provided by the City of Dayton that they would like us to sign in support.

Mayor Seagraves asked Council to review the documents Manager Burkholder provided and to let him know if anyone has any questions. He stated it can be seen in the letter from Dayton their urgency and concerns and it does impact all of us.

Manager Burkholder stated there is no danger at this time. He informed the City of Dayton is being proactive and trying to make sure the necessary actions are taken to make sure contaminants do not actually get into the water.

Member Kirklin asked in addition to the pre-drafted letter of support, which she stated she is in favor of since it is very straight forward, can Council Members attend any sort of meetings at the base just to hear firsthand the details of what is going on? She suggested maybe Council could even attend as a group.

Manager Burkholder stated that is a great idea to show support in person and to get more information on the issues first hand.

Member Kirklin suggested Officials from Dayton could even come to a Council Meeting to speak, which would be another way to take action, hear information first hand and lead by example.

Member Wilder asked if there is any sort of deadline?

Manager Burkholder informed no deadline that he is aware of.

Mayor Seagraves stated no decision has to be made tonight, if Council would prefer to review the information further or if no reservations from Council, a motion of support is needed. The letter of support would state we are supportive of their efforts because really if they have a water issue that directly affects us and becomes our water issue and we have no back up plan to supply our own water.

Law Director Stephan stated the letter is appropriate and a Motion could be made for the Mayor and or City Manager to execute a letter of support to the City of Dayton.

Mayor Seagraves asked if Council would like to make a Motion tonight or wait until the next Council Meeting.

Consensus of all Council Members was to make Motion of support tonight.

Motion by Kirklin, second by Letner to authorize the Mayor and City Manager to execute a letter of support to the City of Dayton. All yeas, motion carried.

Carolyn Haney, of the Brookville Park Board, reported the Park Board has more ideas than they have the money for projects. She stated Park Board is very proud of our parks and Golden Gate Park for being named the 2nd best place to take a picnic by Dayton's Best. Park Board would like to work hard this year to promote the Memorial Tree Program throughout all of the parks.

Ms. Haney informed the Annual Community Park Cleanup is scheduled for April 14th, 2018. She invited Council Members to attend.

Ms. Haney reminded the Shelters at Golden Gate Park are available to rent.

Ms. Haney reported the Community Theatre is a part of the parks and the building does have some issues and are awaiting estimates.

Ms. Haney informed Park Board is excited for the walkway path being constructed this year from the Theatre parking lot to Golden Gate Park.

Mayor Seagraves stated the Community Theatre does need maintenance, nothing has been done in 25 years. He informed Staff is in the process of getting estimates for some critical repairs that are needed. He stated the Theatre is a great asset to the community and it would be foolish to ignore the maintenance situation.

Manager Burkholder reported the initial examination on the building showed the roof was good but there is leaking, the gutters will have to be replaced, the building also needs power washed, crack sealed and painted.

Manager Burkholder informed the storage shed at the old BMX Park has been cleaned out. He informed with the extra men now available in the Service Department, they have been able to clean up the honey suckle that was all over that area and the area is looking great and very attractive. He informed the Service Department will be working on the grass and weeds at the Community Theatre soon, a lot is going on in that area but it is a wonderful asset to the community.

Kevin O'Boyle, of 436 Heather Street in Englewood, informed last week he addressed the Brookville Park Board with information on his church's Love Does Program. He informed this year the Program will be held on August 19, 2018. He informed he has already approached the Ministry Outreach Board of his church, the Salem Church of God, to approve a project in Brookville for this year. He would like for the project to consist of clean up along Wolf Creek and he would also like to encourage other groups to help them in cleaning up the area. He would like to see as many people involved as possible to help get more cleanup done. He has reached out to a landscape architect to help out and give insight but has not heard back. Mr. O'Boyle stated if this all can work out and the project gets approved, if Council could help spread the word, that would be helpful. He informed this will be the 4th year for the Love Does Program and his 2nd year. He informed the two years, his group has had a project in Brookville consisting of the painting of a shelter in Golden Gate Park and creek clean up last year along the creek. He described about 1,800 people go around the Miami Valley doing various improvement projects to help out the community.

Member Kirklin suggested getting the youth of the Theatre involved.

Manager Burkholder thanked Mayor Seagraves for standing up for him. He stated he does live in the City Limits and has since day one. He informed he did live on Bruns Drive and now on Meadow Glen Drive. He stated he does pay the 2% Income Tax to Brookville and he loves this town and is committed to this City. He informed when he first moved in he had trouble finding a place because places do not last long.

Mayor Seagraves reminded next week is the next Storm Water Work Session at the High School cafeteria at 6:30 p.m. on February 27, 2018.

Member Wilder asked if a Hyper Reach alert could be sent out as a reminder for the Storm Water Work Session?

Fire Chief Fletcher stated as long as there is approval from Council and the City Manager, that can be done.

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



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Meghan Wheeler, Clerk



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David E. Seagraves, Mayor