

Brookville City Council  
Regular Meeting  
July 3, 2018

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on July 3, 2018 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Cantrell, Kirklin, Letner, Schreier, Wilder, and Zimmerlin; Finance Director Keaton, Police Chief Jerome, Law Director Stephan, City Manager Burkholder and Clerk Wheeler were present. Fire Chief Fletcher was absent.

Mayor Seagraves welcomed everyone. He informed Fire Chief Fletcher is absent, his report has been provided to Members.

Roll Call by Clerk Wheeler.

Motion by Cantrell, second by Kirklin to approve the Agenda as presented. All yeas, motion carried.

Motion by Schreier, second by Cantrell to approve the Regular Council Meeting Minutes of June 19, 2018. All yeas, motion carried.

Mayor Seagraves informed Council has been provided a copy of a Community Event Form received to request permission to hold a block party on Columbia Street.

Police Chief Jerome stated this event has been done in years past, and he has no issues with it.

Motion by Kirklin, second by Schreier to allow the Columbia Street Block Party on Saturday, July 14, 2018. All yeas, motion carried.

Manager Burkholder reported there are various projects moving forward throughout the City. He informed crews are making progress on the Arlington Road Bridge and the project is on schedule. He informed the Bridge is scheduled to open in August with a final completion in September.

Manager Burkholder provided a Firehouse update. He informed the Fire Department moved into the new Fire Station last Thursday and the final Construction Update Meeting was held. He informed Fire Department personnel and volunteers cooked breakfast for Council and City Staff and then in the evening, held a cookout, which included the official push of the apparatus into the bays. He thanked all who participated. He reminded the Grand Opening/Dedication is scheduled for Sunday, July 22, 2018.

Manager Burkholder reported the repairs to the Community Theatre are underway. He informed the downspouts were plugged with debris and birds and animals had infiltrated the rake system filling the voids with nesting material.

Manager Burkholder provided pictures of the current construction progress of the new water tower.

Finance Director Keaton presented the June 30, 2018 Fund Balance.

Motion by Kirklin, second by Cantrell to accept the June 30, 2018 Fund Balance as presented. All yeas, motion carried.

Finance Director Keaton informed we have taken delivery of our new refuse containers for Golden Gate Park from our Solid Waste Grant.

Finance Director Keaton reported yesterday we received our rebate check from the Ohio Bureau of Worker Compensation.

Finance Director Keaton reported she received notification that our 2017 audited Financial Statement was released by the Auditor's Office. She stated she forwarded a copy to Council Members, a hard copy is available in the front office and the report can be accessed on the Auditor's website. She informed we had another clean audit and she thanked her Staff for all of their help in obtaining a clean audit.

Mayor Seagraves reminded Fire Chief Fletcher is absent, his report was provided to Members. He thanked the Fire Chief and his Staff for a great breakfast and cookout as a soft opening for the new Fire Station.

Police Chief Jerome reported the Brookville Police Department handled 300 Reportable Incidents year-to-date, compared to 396 during this same time last year. Police Chief Jerome reported Citations are up a total of 21 Citations year-to-date, for a total of 279 Citations issued year-to-date. There were 189 traffic stops for June compared to 137 during June 2017.

Police Chief Jerome informed the Police Department is still in the hiring process. He stated it is a long process including hiring and training.

Police Chief Jerome reported on Saturday, June 23 a possible Meth lab on Salem Street was reported. He informed the report was right, there was a meth lab in the backyard, which resulted a call into the the Bureau of Criminal Investigation (BCI) for them to investigate and collect the evidence. He thanked the BCI for their help on the case.

Police Chief Jerome reported last Sunday there was a crash that occurred, which involved one of our Police Cruisers. He informed we have five marked cars and fortunately, the car that crashed was one of the older cars that had over 100,000 miles. He informed it does look like the cruiser will be totaled, but he will know for sure soon since the insurance adjustor was just out today. He informed being down a cruiser puts us in several binds. He stated being down a cruiser usually ends up costing us more money in repairs and we have seen the numbers for repairs come down over the last few years that we have been running five cars. He reported he has found a similar cruiser that is available for immediate purchase from a Ford dealership. He stated he has reviewed his budget with the Finance Director and there is money left in his Capital Improvement Budget that could be used in addition to the insurance money received toward the purchase of a new cruiser. He requested a motion from Council to purchase a replacement cruiser. He stated only a few minor modifications would need to be done to the new cruiser to have it match our other cruisers.

Manager Burkholder informed he has discussed this with the Police Chief and felt it would be smart to go ahead with the purchase of a new cruiser instead of waiting until next year. He stated we would really be in a bind if anything else happened to any of our other cruisers. He stated since there is ample funds in the General Fund, he feels it would be wise to buy it now and get it in the rotation. He stated we buy a new cruiser every year, so if we buy it now then when the 2019 budget is worked on, it can be discussed further if an additional cruiser would still be needed.

Police Chief Jerome stated if the numbers were to come back and were to create a hardship in anyway then he would come back to Council, but if the numbers work out with the insurance money received plus capital improvement money, then the cruiser could go ahead and be purchased. He informed the wrecked cruiser did have a lot of new items in the car which are still good and can be transferred to a new car. He reported the new cruiser as it sits at the Ford Dealership is \$27,700.

Member Letner asked if the new cruiser would be a car or SUV?

Police Chief Jerome informed it would be an SUV.

Motion by Schreier, second by Zimmerlin to approve the purchase of a 2018 Ford Interceptor SUV with insurance and capital improvement funds, not to exceed \$28,000. All yeas, motion carried.

Law Director Stephan informed in 2001, the City of Brookville entered into an agreement with National Inspection Corporation (NIC) to provide plan review and inspections for building projects in the City of Brookville. This agreement was for a term of five years, with four automatic renewals of five years each. The agreement may be terminated without cause with sixty days notice to the other party. He stated while inspections by NIC have generally been completed in a timely and efficient manner, the City Staff has had concerns in recent years with commercial plan review by NIC. He reported the City Staff has met with representatives of the Montgomery County Building Regulations Division regarding providing plan review and inspections for the City of Brookville. He forwarded a statement from the Montgomery County Building Regulations Division regarding their services and fees and a copy of the City of Brookville's current building permit fees from NIC. He stated City Staff believes that Montgomery County Building Department would be able to provide timely and efficient plan review and inspections for the City, and the City Staff has recommended the City enter into an agreement with Montgomery County for those services.

Law Director Stephan requested a motion by Council to authorize the City Manager to provide sixty days written notice to NIC of termination of the current agreement. He stated this motion will be the first step in the process of moving our building plan reviews and inspections to Montgomery County Building Regulations Division.

Member Letner stated we were with the County in the past for inspections, probably about 20 years ago and we had some issues which is why we switched to NIC. He stated he understands 20 years can make a difference, but he wants to make sure we aren't going back to any of those problems we had 20 years ago.

Law Director Stephan informed that was discussed recently when Staff met with Montgomery County Officials. He stated their Inspection Department has improved a lot in their services and has made changes to their organization over the last several years.

Member Zimmerlin asked if there would be any cost savings?

Law Director Stephan stated no, the fee structure would be similar.

Member Letner stated he wants to feel assured that any developer that comes into Brookville has a good working relationship with either one of the organizations and everyone is on the same page.

Law Director Stephan listed other neighboring communities using Montgomery County. He stated he does not think those communities would be using the Montgomery County Building Division if there were problems with the services of the department.

Manager Burkholder informed he and Zoning Officer Snedeker recently met with Montgomery County for more information and to ask questions. He informed Staff has been reviewing this for the last several months and have discussed how this could help with Economic Development also. Erik Collins is now in charge of the Inspection Department for Montgomery County and there has been significant reform since we were with them 20 years ago.

Member Letner asked if the switch will be for both residential and commercial?

Manager Burkholder informed yes. He informed we do have to file a notification with the state of Ohio and thought it would be easiest to change both residential and commercial. He informed we do need to give NIC a 60 day notice once approved by Council.

Discussion followed on permit issues over the years and the process of switching.

Motion by Cantrell, second by Kirklin to send a sixty day notification letter to NIC to terminate our agreement and to contract with Montgomery County. All yeas, motion carried.

Member Zimmerlin asked if any outreach has been done to any residential developers or can we?

Law Director Stephan stated not at this time to residential developers because the focus has been on commercial but Staff will be working with all developers and contractors and plan to have a thorough outreach to all entities to provide them with as much information as we can.

Mayor Seagraves wished everyone a Happy Fourth of July.

In Old Business,

Motion by Schreier, second by Kirklin to read proposed Resolution No. 18-06. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the third reading and adopt Resolution No. 18-06 entitled, "A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF BROOKVILLE ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS WATER FUND FOR THE ARLINGTON ROAD WATER MAIN LOOP, CD03V AND CD04V, WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO." All yeas, motion carried.

Motion by Zimmerlin, second by Cantrell to read proposed Ordinance No. 2018-10. All yeas, motion carried.

Motion by Schreier, second by Kirklin to accept the second reading of proposed Ordinance 2018-10 entitled, "AN ORDINANCE ADOPTING THE 2017 OHIO FIRE CODE FOR THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Manager Burkholder reported Staff is still trying to coordinate a date with Council Members to schedule a Council Retreat.

Manager Burkholder informed the Strategic plan is being reviewed. He informed he received comments from the MVRPC on our draft RFQ and is reviewing those comments and will send back to MVRPC and then forward to Brookville's Planning Commission for their review.

Manager Burkholder reported additional information was sent to Council Members on the costs associated with doing a community survey.

Manager Burkholder informed a Project Manager has been assigned for the implementation of Civic Clerk. He thanked Council for their support.

Mayor Seagraves stated New Business was covered in Law Director Stephan's report.

Bonnie Cordes, of the Brookville Park Board reported the welcome sign in Golden Gate Park has been taken down and is being repainted. She informed it will be done before the Community Picnic. She informed flowers have already been planted in the flower bed around the sign.

Jen Bell, President of the Brookville Community Theatre Board, informed she is here tonight with Larry Henry, Board Vice-President and Board Members Debbie Robbins and Barb Hocker.

She thanked the City and City Council for the use of the Theatre and all of the support from the City. She stated there was a recent issue that happened that they would like to discuss.

Larry Henry, Vice-President of the Brookville Theatre Board, stated he is thankful of all that has been done for the Theatre, but there is a problem that needs addressed. He described about a year ago leaking in the walls was discovered and other needed repairs to the building were found. He stated roof problems were also discovered and the problems were more than just simple problems. He informed the repairs are now being made to the building and a few months ago color samples were brought to him by the City Manager for the building. Mr. Henry informed the City Manager suggested the color of hunter green be chosen, but the Theatre Board voted unanimously for Royal Blue or Brookville Blue. He informed the Theatre Board thought blue would make the building standout and show community pride. Mr. Henry stated he told the City Manager the Theatre Board chose Royal Blue for the color of the Theatre, however when work began last week on the building, the color being put up was Hunter Green.

Debbie Robins, Board Member for the Brookville Community Theatre, stated while at the Theatre working on their current production, she noticed the Hunter Green instead of the Royal Blue that the Theatre Board Members had chosen. She informed that when she brought it up to one of the Service employees she was told the City Manager changed the color to Hunter Green after reviewing paint sample options. She then called the City Manager and was told he had reviewed other buildings that were painted with the same Royal Blue color and he did not think the Royal Blue would be the right color and maybe too much blue for the area and so the Hunter Green was chosen. She informed when she asked why the Theatre Board was not notified of the change of color, she was told ultimately it was the City's decision. She also stated she has heard that Hunter Green is not a standard choice color and was a special order.

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Mr. Henry stated the Theatre Board is disappointed in this situation. He stated he spent years in school administration and feels when you deal with Boards and Commissions there has to be communication. He asked if the decision to change the color was brought to Council's attention or Park Board's attention? He stated the work has already started and he knows nothing can be done about it now and they are stuck with green, but since it seems a lot of people do not even realize what the Theatre Building is, the Board Members were hoping this would have been an opportunity to do something to the building to help make it stand out.

Manager Burkholder apologized for the miscommunication. He informed he and City Staff did discuss the colors and did do research on the color options including photographs of other buildings in that color and for the entire roof to be painted that bright blue color, it would have been too much and too bright. He informed the color wheel was provided to Mr. Henry for his opinion, but Manager Burkholder stated he had no idea the topic was going to go before the Theatre Board for a vote. He stated the entire roof has to be painted and for the whole roof to be blue, it would not have blended well. He stated he thinks it will look very nice when it is all done, especially with all new black lettering. He stated the paint was not a special order, the color chosen was on the color wheel. He informed the metal for the roof had to be specially fabricated because the building is so unique. He stated he will make a formal apology for the color change.

Member Letner asked if the Board's decision was conveyed in writing?

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Mr. Henry stated no.

Manager Burkholder stated Mr. Henry did verbally tell him the Theatre Board voted for Royal Blue.

Member Letner stated Hunter Green is a standard universal color and he cannot imagine it being a special order.

Mayor Seagraves stated unfortunately it seems there was a lack of communication.

Manager Burkholder agreed and stated since the City was sponsoring the work, they had the final decision and after reviewing the Royal Blue option, Staff felt the green would be more appropriate for that setting. He informed some of the trees in the area will be coming down because they are dying. He stated he has nothing against Royal Blue or Brookville Blue but there are not a lot of buildings in the park painted blue, usually we try to stick with earth tones in the park areas to give more of a natural setting. He stated he truly feels once work on the building is done, it will really look nice. He apologized for any miscommunication or hurt feelings the Theatre Board might have. It has been a long project and the City has stuck with it. The Theatre Building is not a standard building, it is a very unique building that had quite a few issues that needed addressed. He stated the City is dedicated to the getting the building back to first grade shape.

Member Cantrell stated she can appreciate the Theatre Board wanting the building to be blue, especially in honor of our Brookville Blue spirit, but in the long run it makes sense to paint it in a fashion that is appealing to the visual sense. She stated if you go to the schools, they do not have their buildings painted blue but everyone knows Brookville is blue. She stated Council hired the City Manager to make decisions for the City and even though he should have communicated the final paint choice with the Theatre Board, she agrees the green is probably more aesthetically appealing in the park like setting it is in.

Mr. Henry stated if you hire someone to paint your house, the painter wouldn't just change the paint color of choice without consultation.

Member Cantrell stated it should have been communicated but ultimately, the Theatre is a City owned building and it is the City Managers job to make certain decisions.

Mayor Seagraves stated the bottom line is the Theatre Board Members feel deeply offended.

Manager Burkholder apologized for any miscommunication. He stated he merely asked Mr. Henry for his opinion and gave him a color wheel with the Hunter Green circled and Mr. Henry must have thought that was the City's recommendation not the decision to be made. He stated he did not realize the color sample was going to go to the Theatre Board and that the Theatre Board thought they were making the final decision.

Mayor Seagraves apologized for any miscommunication and does not want this issue to interfere with the work that is being done to improve the Theatre. He stated the Theatre Board does a tremendous job and they are very engaged. He informed the Theatre has five productions a year that usually sell out. He stated this is an unfortunate event and he apologized again for any miscommunication. He stated the Brookville Community Theatre is a wonderful asset to the community and is a wonderful educational tool.

Member Cantrell stated other communities are finally starting to hear about our Community Theatre and she wouldn't want them to hear anything negative about the fighting over paint colors when the Theatre is doing such marvelous things.

Member Kirklin stated she would hope this issue wouldn't overshadow all the good work being done that has needed to be done for a while now.

Mayor Seagraves stated the Theatre Building was in dire need of some repairs. He stated the facility is 25 years old and no maintenance has been done to it and the building was deteriorating and needed some repair.

Ms. Cordes asked if a schedule for maintenance on the new gutters will be established to keep issues from coming up in the future?

Manager Burkholder stated yes. He informed the old gutters have been taken down and when the new gutter system is installed there will be a routine maintenance schedule. He described he is trying to create a master maintenance schedule for many areas of the City. He stated there are currently drainage problems on most of the buildings in the City including Golden Gate Park. He informed there is currently an open work order for Shelter #3 to have the gutters cleaned out because they are clogged up. He stated some of these drainage issues will need to be considered in the 2019 Capital Improvement list and will have to come back to Council for approval in the 2019 budget.

Mike Duncan, of 879 Dorothy Lane, asked why things are being subcontracted out? He stated he knows the recent sink hole, street sign posts were contracted out. why are we not using our own employees?

Manager Burkholder informed the sink hole repair was an emergency situation and we did not have the capability of taking care of it. He stated we have contracted out services in the past. He informed we do have the additional three workers in the Service Department and they are very busy doing various other projects. He stated we are not contracting out the fertilization of parks and other areas and we have had two additional workers certified to do so. He stated with the new sign posts, it was a joint effort because the posts needed to be so far into the concrete and we couldn't do it, so we did the work we could. He stated the City has always subcontracted out for certain things, that is nothing new. He informed the City did just recently purchase a backhoe to help us self perform some tasks that have been contracted out in the past. He stated the City always tries to do its best with a combination of self performance and contracting out in order to make the City look as best as it can. He stated the Service Department is working very hard and probably harder than they have before. He informed two summer employees have been hired for the Service Department.

Mayor Seagraves stated the Service Department is still trying to upgrade the signage throughout the City.

Manager Burkholder stated people don't realize how much the Service Department really does throughout the City, including watering all the flowers and trees, including the trees in the Memorial Tree Program and the removal of all the dead trees. He stated some tasks are more cost efficient to contract out.

Member Schreier suggested posting some of the new things the three Service Department workers that used to be on the trash truck are now doing.

Member Letner stated those three workers are also still in training and it is a learning process. He informed as an example, those three workers have also helped with the replacement of much needed new fire hydrants that have needed replaced for a while. He stated he has only seen benefits from having three additional workers.

Wayne Ward, of 52 Calmer Ernst Boulevard, stated he was against doing away with the garbage truck, but he can see how the additional workers could be used to help with the landscaping at the new fire station.

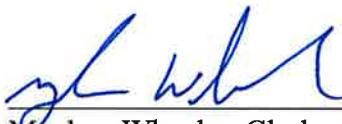
Manager Burkholder informed the City usually contracts with the County for the street re-striping each year. He stated that is an example of a good combination of self performance and contracting out to get a project done and by contracting with the County, we usually get a better price because multiple cities are contracting at once.

Motion by Kirklin, second by Cantrell to enter into Executive Session per ORC 121.22 (G)(2) to consider the purchase of property for public purposes or for the sale of property.

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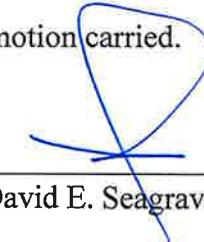
Mayor Seagraves called Council back into Regular Session.

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



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Meghan Wheeler, Clerk of Council



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David E. Seagraves, Mayor