

Brookville City Council  
Regular Meeting  
September 4, 2018

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on September 4, 2018 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Cantrell, Letner, Schreier, and Wilder; Fire Chief Fletcher, Police Chief Jerome, Finance Director Keaton, Law Director Stephan, City Manager Burkholder and Clerk Wheeler were present. Members Kirklin and Zimmerlin were absent.

Mayor Seagraves welcomed everyone. He informed Members Kirklin and Zimmerlin were absent.

Roll Call by Clerk Wheeler.

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

Motion by Schreier, second by Wilder to approve the Special Council Meeting Minutes of August 21, 2018 and the Regular Council Meeting Minutes of August 21, 2018. Member Cantrell abstained. Motion carried with 4 yeas and 1 abstention.

Mayor Seagraves informed it seems to be the consensus of Council Members to appoint J.D. Fowler to the Brookville Park Board.

Motion by Wilder, second by Schreier to appoint J.D. Fowler to the open Brookville Park Board position to fill the term expiring on December 31, 2019. All yeas, motion carried.

Manager Burkholder reminded there will be a Safe Routes to School (SRTS) Presentation at the September 18, 2018 Council Meeting.

Manager Burkholder reported Zoning Officer Snedeker, Law Director Stephan and himself have had two separate meetings over the last week with Officials from the Montgomery Building Department to familiarize staff on the new policies and procedures. He informed a meeting will also be scheduled in the near future at the new firehouse for the public and local contractors.

Manager Burkholder reminded the Council Retreat is scheduled for Saturday, September 15, 2018 at Wright State University. He informed the Retreat will be an all-day retreat for Council Members and Staff. He stated the Retreat is a Public Meeting, but the participation will be between the moderator and Council Members only. He reminded Council Members to turn in their surveys by September 7.

Manager Burkholder informed he and Service Superintendent Homan were at Westbrook Park recently and talked with a few residents of the area to discuss the stormwater issues with the constant running water coming from one of the drains. He informed a short term solution is trying to be determined to help with the standing water.

Manager Burkholder reported perimeter spraying has been done for mosquitos in Golden Gate Park, Ward Park and Westbrook Park. He informed the perimeter spray was done because an August test was returned positive for West Nile Virus in Golden Gate Park.

Manager Burkholder informed he recently met with Rumpke representatives to voice complaints regarding service as well as proposed solutions. He stated Staff tracks complaints or concerns received and Rumpke was very receptive on how to improve and ensure excellent service.

Manager Burkholder informed the Montgomery County Engineer's assessment and cost estimates to repair or replace the walking bridge in Golden Gate Park to the Community Theatre were sent to Council for review. He stated there are concerns for safety with the current condition of the walking bridge.

Member Schreier asked if any petitions were filed for the storm water issues near Westbrook park?

Manager Burkholder stated he thinks the only petition filed has been on Baker Street. He informed due to cost, some short term solutions are trying to be determined and unfortunately, the area seems to be of bad original design.

Member Schreier asked if a publication could be sent out with the maintenance bond details for more people to be able to understand what exactly it means?

Manager Burkholder explained the compression test should have been at a minimum of 89.4 and when the test was done, it was at 89.1. He informed since the difference was so minimal, the Maintenance Bond was discussed.

Member Schreier asked what were some of issues with Rumpke?

Manager Burkholder informed some complaints received have been about missed stops, and trash cans being left in the street or middle of the driveways. He stated some of the issue is just educating citizens on limb pickup procedures and yard bags no longer being sold. He encouraged residents to call the City Office with any concerns. He informed Rumpke is trying to increase stability by having the same driver on the same routes every day. He stated he insists on a high level service with Rumpke. He stated overall, it was a very positive meeting.

Member Wilder asked if there is a charge for limb pick up?

Manager Burkholder explained small amounts of yard waste can be placed inside your trash cans or limbs smaller than two feet wide and four feet long can be bundled and placed next to the trashcan for pickup. He stated if a resident has limbs larger than four feet long, they can call the City Office for pick up for a fee of \$10.00 and if it takes longer than 10 minutes for chipping, there is an additional charge of \$1.00 per minute. He stated the reason for the policy change was the amount of people that would cut down whole trees and leave out on the curb for the City to just pick up.

Manager Burkholder informed there has also been some confusion on bulk pick up. He stated people think they can clean out their entire home and then call for a bulk pickup. He stated residents need to call to schedule large item pick up with Rumpke and to list their items out, for example, couch, chair, appliance etc. He stated he plans to continue the education process and would like to even mail out a flyer with the next water bill.

Member Wilder asked the status of lights on Market Street and the Arlington Road Bridge?

Manager Burkholder informed the lights on the Bridge should be done by the end of September. He informed crews still have some minor work to be done with striping and paint touch ups. He informed the lights on Market Street are not hooked up yet. He stated there was an issue related to the receptacles on the poles that is being addressed before final hook up.

Gabby Wakefield, student of Brookville High School, requested approval for the 2018 Annual Homecoming Parade and bonfire on September 26, 2018 at 6:30 p.m. with the same route as last year.

Motion by Cantrell, second by Schreier to approve the Annual Homecoming Parade and bonfire on Wednesday, September 26, 2018 at 6:30 p.m. with the same routes as last year and as approved by the Police Chief. All yeas, motion carried.

Finance Director Keaton presented the August 31, 2018 Fund Balance.

Motion by Cantrell, second by Schreier to approve the August 31, 2018 Fund Balance as presented. All yeas, motion carried.

Finance Director Keaton informed the Ohio Bureau of Workers' Compensation Board of Directors approved a 12 percent cut to public employers premiums next year. She informed this is the largest rate cut by the Bureau in at least 30 years.

Fire Chief Fletcher reported the August Operations Report.

Fire Chief Fletcher reported there have been a lot of tours of the new firehouse given recently. He stated the Fire Department is looking to partner with the Chamber of Commerce to possibly help partner with some of our local businesses to help with education or safety trainings etc. He stated the new fire station will be the site for the Chamber Luncheon Meeting later this month. He informed the new fire station did have a visit from officials of the City of Xenia who are looking to build a new facility of their own. He stated he has been told we are fortunate to have completed our project when we did, because people who are trying to build right now are having some trouble finding contractors for large projects.

Fire Chief Fletcher stated he has said many times how much of an advantage it is for the Police and Fire Department to have Lexipool as their policy management system. He stated it would take someone on his staff full-time to write and manage policies and keep up to date with the state and federal policies. He informed there were recently 140 different policy changes in the Fire Department alone because of changes to state and/or federal laws. He stated this is a prime example of how Lexipool helps to manage our policies and is worth every penny.

Fire Chief Fletcher advised there will be an upcoming road closure on Brookville Phillipsburg Road, north of Upper Lewisburg Salem Road, for a few days for some drainage pipe to be put across the roadway. He informed once that is completed, the Brookville Phillipsburg Road Bridge over Interstate 70 will then be closed for three weeks for a rehab project to be done.

Police Chief Jerome reported the Brookville Police Department handled 435 Reportable Incidents year-to-date, compared to 526 during this same time last year. Police Chief Jerome reported Citations are up a total of 19 Citations year-to-date, for a total of 378 Citations issued year-to-date. There were 215 traffic stops for August compared to 161 during August 2017.

Police Chief Jerome informed today a new part-time Police Officer was sworn in and will start later this week.

Police Chief Jerome reported Gail Colston informed him this week that she will once again sponsor the Pink Ribbon Project this year with putting pink ribbons on the hoods of the Police Cruisers. He reminded the Breast Cancer Walk is scheduled for September 29, 2018.

Police Chief Jerome informed Ghostly Night Out is scheduled for October 27, 2018.

Law Director Stephan had no report.

Mayor Seagraves had no report.

In Old Business,

Motion by Schreier, second by Cantrell to read proposed Ordinance No. 2018-13. All yeas, motion carried.

Motion by Schreier, second by Cantrell to accept the third reading and adopt Ordinance No. 2018-13 entitled, "AN ORDINANCE LEVYING ASSESSMENTS FOR DELINQUENT UTILITY BILLS FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Motion by Cantrell, second by Schreier to read proposed Resolution No. 18-12. All yeas, motion carried.

Motion by Cantrell, second by Schreier to accept the second reading of proposed Resolution No. 18-12 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CLERK OF COUNCIL." All yeas, motion carried.

Mayor Seagraves reminded the Council Retreat is scheduled for Saturday, September 15, 2018 from 9:00 a.m. to 3:00 p.m. at Wright State University. He informed a survey has been given to Council Members to complete and return prior to the Retreat.

In New Business,

Member Wilder stated Jessica Hartman of 684 Vine Street is in the audience tonight. She informed Ms. Hartman lives on Vine Street and has complained in the past about the abandoned property next door to her, which has skunks living in the garage.

Ms. Hartman informed the smell is very bad, there are wild animals in and out of the garage. She stated she has heard kids have broken the windows and are playing in the home and the police have had to be called. She stated the condition of the building is horrible and she is constantly having to clean up debris from the building that blows into her yard.

Member Cantrell asked who owns the building?

Law Director Stephan informed the property is owned by a deceased individual and there is no family members that are going to move forward with any probate and there are numerous lien holders on the property. He advised he is working on legal action to remove the buildings. He stated it is a really difficult situation for the neighbors. He stated it is difficult overall because we have to notify all of the lien holders. He informed he will be meeting with the Zoning Officer again this week on the property to see if the building has reached a state of a condition where we can determine it is in an emergency collapse state and take emergency action. He informed he is trying to work with Tax Ease Ohio to proceed with foreclosure, which would mean a third party would purchase the building and then hopefully repair or rebuild. He stated if the City has to take the project on it will be a significant cost. He stated he understands this is a serious problem and he will try to have a response with more information back to Ms. Hartman within a week.

Manager Burkholder stated he has seen the garage and it does look bad and unfortunately, the legal complications are the cause for the delay.

Ms. Hartman informed she has also contacted the Health Department and is waiting to hear back.

Member Cantrell asked just to clarify, there is nothing the City can do at all?

Law Director Stephan advised the City can take legal action but there will be significant cost to publish notice to the owners and to notify the lien holders. He stated we can move forward, but it isn't a straight forward process. He informed he is trying to move forward with Tax Ease Ohio to purchase the property and have a productive owner back in the situation. He stated this process will not be solved over night. He informed the property is getting worse and if the

building can be determined in a state of collapse then we can issue an emergency order to move in and knock the building down.

Bonnie Cordes, President of the Brookville Park Board, informed she met with a landscaper on the Grove Project and reviewed where the arborist said boundaries should be for the Grove Project in relation to the two large oak trees. She informed the Landscaper will draw up a new contract and send it to the City Manager in order to get the project started next week.

Manager Burkholder stated his concern is that the platform is supposed to be an elevated platform to allow air to the roots of the trees. He informed in order to do an elevated platform, the posts would have to be driven into the ground without damaging the roots of trees and he would like to confirm with the landscaper he can use that sort of tool.

Ms. Cordes informed they no longer plan to do the elevated Grove, so that tool would not need to be used. She stated they have decided to move the Grove back from the oak trees so that it wouldn't need to be elevated.

Manager Burkholder stated this is the first he is hearing of that decision and he will need to review the plan from the landscaper.

Ms. Cordes stated it will be the same shape, just be moved back. She informed she spoke with the landscaper about his equipment coming in away from the trees to be careful of not causing any damage.

Ms. Cordes stated Manager Burkholder informed Park Board last week the walking path from the Theatre to Golden Gate Park will not be completed before the Christmas in the Park Event. She informed the Community Theatre is working on a very cute play to show at the Community Theatre during the Christmas in the Park Event. She informed the School has promised two school buses to use to transport people to the Theatre from the Park instead of a walking path. She asked if the gates at the Service Garage could be opened for the buses to get in and out of during the event?

Mayor Seagraves informed the bus is a better idea than the bridge right now due to its current condition.

Manager Burkholder informed Council has been sent the cost estimates for repair and the recent assessment report from the Montgomery County Engineer on the bridge. He stated he does not think it makes sense to construct a walking path to a bridge that is in such bad shape. He stated public safety is his main concern.

Member Wilder asked if the bridge should be closed down now?

Manager Burkholder informed the City has requested the County Engineer's Office to come back out and do another inspection underneath the bridge because the last time they were out, the water was really high and some of the underneath of the bridge couldn't be fully evaluated and he would like to have it re-evaluated as soon as possible.

Mayor Seagraves stated he thinks once the County comes back out, it will get closed.

Ms. Cordes asked if Council would consider paying the cost to pay the bus drivers? She stated there will be no charge for the buses, but will need to pay the drivers, probably approximately less than \$100.

Member Cantrell asked what liability the City would have with the buses?

Mayor Seagraves suggested looking into the liability in further detail.

Finance Director Keaton informed she will check with our risk insurance.

Ms.Cordes asked if it would be ok to open the service gates during the event for the buses to pass through?

Manager Burkholder informed he will have to check with the Service Department because that is a secured area and he will have to have staff there to monitor the area if the gates are open.

Mike Duncan, of 879 Dorothy Lane, asked if the pedestrian Bridge on Arlington Road was condemned because of the base underneath?

Member Letner explained it was condemned because of the bridge itself, the abutments underneath were ok and structurally sound.

Mr. Duncan asked about all of the trailers out at Payless?

Manager Burkholder informed it is a temporary situation because they had a computer issue and had to have some place to stack extra trailers temporarily.

Mr. Duncan asked about the Market Street curbs and sidewalks and how the City would recoup the money spent on them?

Law Director Stephan informed the City assessed for portions of the sidewalks and curbs to various property owners and certain areas were not assessed in exchange for the right of way. He informed when future development occurs, there is a Tax Increment Financing (TIF) in place, which means the City would receive tax increment fund dollars that would go towards paying the loan obtained to construct Market Street.

Mr. Duncan stated he was just worried the City wouldn't be reimbursed.

Law Director Stephan stated the TIF funding is critical.

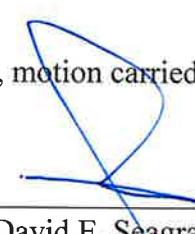
Motion by Cantrell, second by Schreier to enter into Executive Session per ORC 121.22 (G)(8) to consider confidential information of an applicant for economic development assistance and Council finds this Executive Session necessary to protect the interest of the applicant in the confidential information being provided in connection with economic development. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session

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



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Meghan Wheeler, Clerk of Council



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David E. Seagraves, Mayor