

Brookville City Council  
Regular Meeting  
April 3, 2018

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

Mayor Seagraves welcomed everyone.

Roll Call by Clerk Wheeler.

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

Motion by Cantrell, second by Kirklin to approve the Regular Council Meeting Minutes of March 20, 2018.

Mayor Seagraves reminded Sunday, April 8 the Historical Society will be having an open house and dedication to rename one of their buildings the Wayne and Dottie Watkins Genealogy Research Library. The Event will be at 2:30 p.m. on Hay Avenue and there will be an open house with free admission at the Spitler House.

Finance Director Keaton presented the Fund Balance of March 31, 2018.

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

Finance Director Keaton reported a Montgomery County Solid Waste Recycling Grant was recently submitted to replace the miscellaneous waste receptacles in Golden Gate Park with the same style of waste receptacles that are on Market Street. The receptacles on Market Street were purchased in 2016 with a Solid Waste Recycling Incentive Grant. She informed these waste receptacles are made of 100% recycled plastic and have a built-in side-load lid, which will keep the rain and snow out. She stated these waste receptacles are also easier for our employees to empty as they have separate waste liners and the receptacles have side doors that open to remove the waste liners. She reported the total project cost is \$38,236.49 with the City requesting \$24,853.72 in grant funds and the City contributing \$13,382.77, which is 35% of the total project cost.

Finance Director Keaton informed the Vandalia Income Tax Department assisted 51 taxpayers on Friday, March 23 and 19 on Saturday, March 24 with their local tax returns in our City Building. She informed last year, they assisted 83 taxpayers. She reminded the deadline for filing local tax returns is Tuesday, April 17, 2018.

Finance Director Keaton reported the City received notification that our Ohio Water Development Authority (OWDA) loan was approved for the construction of a 200,000 gallon elevated water storage tank in NorthBrook Industrial Park. She informed the maximum loan amount is \$1,007,487.30 and the estimated semi-annual loan payment is \$34,295.20 for 20 years starting January 1, 2020.

Manager Burkholder reported projects are moving along. He informed there was a lot of flooding throughout today due to the heavy rainfall. He informed Service Superintendent Homan took lots of photos throughout the City and the issues will be discussed in tomorrow's Staff Meeting. He informed Service Superintendent Homan was also in touch with Stefan Bridenbaugh from Montgomery County Soil and Water today on the flooding issues. He stated unfortunately the

ground was already saturated from the last rainfall we had and a lot of systems cannot handle the heavy amounts of rain our area is seeing. Manager Burkholder informed the engineer was recently out to Westbrook Park to evaluate and review over the original plans from when it was built.

Manager Burkholder reported he has been in touch with Wright State University on scheduling a Council Retreat, will be in touch soon with Council Members to schedule an exact date in June. He informed an estimate was provided to Council from the National Research Center (NRC). He informed he also spoke with the Miami Valley Communications Council (MVCC) for information on the video recordings of Council Meetings. He explained the City is an affiliate Member of the MVCC and would be charged a lower rate for services. He explained a full member of the MVCC could receive their services for video recording by agreeing to pay the MVCC 80% of the City's franchise fees, which we currently receive \$40,000 per year in franchise fees. He stated we could go with the MVCC as one option for video but it would cost us \$32,000 in franchise fees per year.

Member Cantrell asked about the posting of audios?

Manager Burkholder informed Clerk Wheeler has been working on it and working with Civic Plus on how and where to upload the minutes to the website.

Manager Burkholder asked if Council would want all Boards and Commission Meetings recorded or just City Council?

Member Cantrell stated she agreed with Member Zimmerlin's comments at the last Meeting about posting the audio on the website and being able to track the amount of clicks the audio gets in order to track the interest before spending a lot of extra money to video record Meetings.

Member Cantrell stated she was disappointed because the City is trying to push a lot of information out to the public and yet the last Coffee and Conversation with the City Manager only had a very few amount of people actually show up. She stated the last one was even held in the evening to try to appeal to more people.

Manager Burkholder agreed, he hoped to have more residents there also because it is a very laid back opportunity for residents to ask questions or hear updates. He stated the first event which was held in the morning had the most people attend. He informed he is thinking of possibly just holding them quarterly. He stated if any resident does not have internet access to view the minutes posted online, they can call the City Office and request a copy of minutes to be mailed to them. He stated he does want the citizens to know what is going on.

Member Wilder asked if the City still does a newsletter?

Manager Burkholder informed no. He informed Staff has been looking at doing an electronic newsletter instead of mailing them. He stated the City has saved quite a bit of money by replacing the calendar with the Annual Report.

Manager Burkholder informed his report is now being distributed to the Chamber to send out to their businesses and Board Members.

Member Schreier stated he thinks the audios for Park Board and Planning Commission should be posted online as well as Council Meetings.

Fire Chief Fletcher presented the March Operations Report.

Fire Chief Fletcher provided Council Members with an updated picture of the Warning Siren locations and coverage for the City of Brookville.

Fire Chief Fletcher informed he was posed with the question of why the tornado sirens did not go off in Brookville, but did go off in New Lebanon? He explained our use of the sirens is based upon what the National Weather Service provides us. He informed years ago, if there was a warning anywhere in Montgomery County, then all of the sirens in the County would go off. However, after years of responding, there is logic to only sounding the alarms to imminent threat to the citizens. He stated if the alarms go off every time a cloud passes over, then residents can get complacent and don't respond the way they should. He informed if a siren is going off anytime other than the routine Monday morning test, then people should know it is because of an imminent threat. He informed the City of Brookville participates in a system where we go by what the National Weather Service, other communities may go by the Regional Dispatch Center. He informed Clay Township does go by the Regional Dispatch Center, which would be why residents could hear sirens from Clay Township go off, but not the Brookville warning sirens.

Law Director Stephan informed proposed Ordinance No. 2018-06 is before Council and would amend the Zoning Classification of Lots 1743 and 1744 of the City of Brookville from its present classification of Conservation District to the new classification of (R-1B) (PD) Urban Residential Planned Development Overlay District. He provided Council Members with a map of the area and explained this went before the Planning Commission last month. He informed after the first reading of this Ordinance, a Public Hearing would be scheduled for May 1, 2018 at 8:00 p.m. to consider public comments on the re-zoning.

Law Director Stephan informed the area will have planned development overlay. He informed this zoning is specifically for single family housing and any plan presented would go through the planned development process and go through Staff, Planning Commission and City Council. He explained some Planning Commission Members felt there should be more of a mix use of commercial and residential, but a majority of the Members felt we should start with (R 1B) Zoning and that was also the request of the property owner

Motion by Kirklin, second by Schreier to read proposed Ordinance 2018-06. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the first reading of proposed Ordinance No. 2018-06 entitled, "AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF LOTS 1743 AND 1744 OF THE CITY OF BROOKVILLE FROM ITS PRESENT CLASSIFICATION OF (C) CONSERVATION DISTRICT TO THE NEW CLASSIFICATION OF (R-1B) URBAN RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT." All yeas, motion carried.

Motion by Cantrell, second by Kirklin to schedule the Public Hearing for proposed Ordinance No. 2018-06 on May 1, 2018 at 8:00 p.m. All yeas, motion carried.

Law Director Stephan informed Ordinance No. 2018-07 is before Council tonight to establish regulations for Small Cell Facilities and Wireless Support Structures. He informed the State of Ohio has adopted legislation that will permit small cell facilities to be located in municipal corporations if they meet certain criteria. He informed there are some pending amendments to the bill that are expected to be passed later this month. He informed a group of cities have been working together on a model Ordinance to provide cities to assist in regulating these small cell facilities. He stated Ordinance 2018-07 would be our first step, the next step will come at the next Council Meeting to designate certain areas to have these located underground. He informed we currently have a number of subdivisions that are required to place utilities underground, so he is putting together a list of areas where these facilities would be required to be underground. He advised the Ordinance to have these placed underground will need to be passed in emergency format in order to make the 90 day deadline. He informed Staff is currently working on the next legislation for the next Meeting.

Motion by Kirklin, second by Zimmerlin to read proposed Ordinance No. 18-07. All yeas, motion carried.

Motion by Kirklin, second by Cantrell to accept the first reading of proposed Ordinance No. 18-07 entitled, "AN ORDINANCE ESTABLISHING REGULATIONS FOR SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES IN THE CITY OF BROOKVILLE." All yeas, motion carried.

Law Director Stephan advised proposed Resolution No. 18-03 is before Council and is an annual Resolution that needs to be passed by Council to act on the recommendation of the Tax Incentive Review Committee. He informed the Committee is a group of people comprised of representatives from the City of Brookville, Montgomery County and affected school districts who meet annually to review the performance of businesses under certain tax exemption agreements. He informed the Committee met on March 21, 2018 and recommending continuation of the 2016 Enterprise Zone Agreement with Green Tokai and found Green Tokai to be in compliance with the Agreement. He requested Council dispense with the second and third readings for administrative reasons.

Motion by Cantrell, second by Kirklin to read proposed Resolution No. 18-03. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the first reading, dispense with the second and third readings and adopt Resolution No. 18-03 entitled, "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FINDING THAT THE ENTERPRISE ZONE AGREEMENT OF GREEN TOAKAI CO. LTD DATED MARCH 25, 2016 IS IN COMPLIANCE AND THAT THE ENTERPRISE ZONE AGREEMENT BE CONTINUED." All yeas, motion carried.

Mayor Seagraves had no report.

In Old Business,

Member Cantrell asked if we are going to move forward with Wright State University on the Council Retreat?

Manager Burkholder stated that is Staff's recommendation if Council agrees with it. He suggested Council Members check their calendars for Saturdays in June they could be available for the scheduling of the retreat.

Discussion on the NRC and the Community Survey.

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

Mayor Seagraves reminded the Annual Park Cleanup day is April 14th.

Bruce Garber, of 434 Sycamore Street, asked if the Annual Report is available online?

Manager Burkholder stated yes.

Matt Balsbaugh, of 49 Nutrition Way, informed he has driven by the the North Speedway and has spoken with the Zoning Officer multiple times about the amount of litter around the Speedway North. He asked if there is anyway to place trash cans in the area where the trucks park or if concrete blocks could be placed to block the semi truck from parking there if they are the problem causing the litter? He stated that field is a real mess and people getting off the interstate see that area, will get the wrong impression of Brookville.

Mayor Seagraves informed it has been a problem. He informed the Police Department has started ticketing the truck drivers.

Manager Burkholder informed parking has been limited already in that area, tickets have been handed out and should be for littering, there is no reason for littering. He stated the truck drivers just throw their trash out of their truck windows. He stated the parking has not been banned all together but could if Council would like to.

Member Cantrell stated parking should just be banned all together.

Manager Burkholder stated the Police Chief and the Zoning Officer have spoken to Speedway officials.

Member Kirklin agreed with banning parking all together.

Fire Chief Fletcher stated the trash in the fields are typically not Speedway but from the truck drivers. He stated he likes the idea of putting barricades up. He stated there is no other area in the City where we would allow trucks to park and dump like they do by that Speedway.

Member Cantrell informed she has spoken with Speedway and they are not happy at all with the trucks and the littering.

Fire Chief Fletcher informed he and Chief Jerome have communicated with both Speedways and they have expressed concern with the amount of time they spend cleaning up the trash.

Member Letner requested a letter from Speedway stating they are in support of banning parking. He informed the Police Chief has been working with the Ohio State Patrol on no parking on the on or off ramps of the interstate, it has been a hazard for years and has only gotten worse.

Manager Burkholder stated that would help to prevent any miscommunication with Speedway. He stated the City has already limited parking on Walker Court and the Police Department has written a lot of parking tickets but, prohibiting parking all together would eliminate the trucks parking in that area.

Mr. Garber asked if an Ordinance is required to ban parking?


Law Director Stephan advised he will discuss the issue with the Police Chief.


Motion by Cantrell, second by Kirklin to to enter into Executive Session per ORC 121.22(G)(1) to consider the employment of a public employee.

Manager Burkholder stated no action will be taken. He requested the Finance Director, Law Director and himself participate in the Executive Session.

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

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

  
Meghan Wheeler, Clerk

  
David E. Seagraves, Mayor