

Brookville City Council
Regular Meeting
April 17, 2018

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on April 17, 2018 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Cantrell, Kirklin, Letner, Schreier, Wilder and Zimmerlin; Police Chief Jerome, Fire Chief Fletcher, Law Director Stephan, Finance Director Keaton and Clerk Wheeler were present. City Manager Burkholder was absent.

Mayor Seagraves welcomed everyone.

Mayor Seagraves informed Manager Burkholder is at a Manager's Conference and is absent tonight.

Roll Call by Clerk Wheeler.

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

Motion by Kirklin, second by Schreier to approve the Regular Council Meeting Minutes of April 3, 2018.

Sarah Hunt requested permission to hold the "Own Your Fight Walk" on June 23, 2018. She stated she would like to host a Parkinson's Walk in Golden Gate Park. She informed she would like to start the walk inside the park, walk through park, include the bike paths and then down Arlington Road. She informed she would also like to have some food trucks and craft booths. She would like to use all local businesses. She informed her mom was diagnosed with Parkinson's disease and she looked into taking her mom to a walk and the closest walk she could find was Columbus. She stated she really wanted to have a much closer event to attend to help show her mom there is support out there.

Mayor Seagraves suggested Ms. Hunt discuss the exact details of the walk route with Police Chief Jerome as soon as possible.

Police Chief Jerome suggested instead of holding the walk from 2:00 to 7:00 p.m. to think about having an early morning walk. He stated an early morning walk would help cut down on the amount of people in the park, especially during the graduation season. He stated during graduation time, the park can get pretty hectic.

Member Cantrell asked if Ms. Hunt will be charging people who register and participate in the walk?

Ms. Hunt informed she signed up to be sponsored by the Michael J. Fox Organization and they have sent her information to use for people who sign up for the Walk.

Member Cantrell stated if there are food trucks then there might be extra trash that needs to be planned for to be picked up by the City.

Police Chief Jerome requested Ms. Hunt call him tomorrow to discuss the event further. He stated there is very limited parking in Golden Gate Park, especially depending on the shelter rentals and if there are any baseball or tournament games going on.

Motion by Schreier, second by Kirklin to allow the "Own your Fight Walk" on June 23, 2018 with the exact time to be discussed and determined by the Police Chief. All yeas, motion carried.

Mayor Seagraves wished Ms. Hunt the best of luck.

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.

Mayor Seagraves requested Superintendent Hopkins, Finance Director Keaton, Law Director Stephan and Police Chief Jerome join the Executive Session.

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

Law Director Stephan advised a Motion is needed by Council for the City of Brookville to enter into an Agreement with Brookville Local Schools to establish a position of a School Resource Officer. He described the position would be a City of Brookville Police Officer that would be providing School Resource services to the Brookville School District during the school year and then working for the City during those times of the year when school is not in session.

Motion by Schreier, second by Kirklin to enter into a three-year Agreement with the Brookville Local School District to establish the position of a School Resource Officer. All yeas, motion carried.

Mayor Seagraves informed Manager Burkholder is absent but did provide Council Members with his Manager Report for their review.

Finance Director Keaton requested Council accept the first reading of proposed Resolution No. 18-04, which establishes a new wage scale for full-time hourly employees of the City. She informed the only change in this proposed Resolution from the full-time hourly wage Resolution that was adopted for 2018 is the addition of a new position, Finance Supervisor, in the Finance Department.

Finance Director Keaton informed the Finance Supervisor will work under her supervision and supervise the Deputy Clerks. She described this position will also perform technical accounting and finance function to help maintain the fiscal records and systems of the City. She informed the Finance Department currently has three employees, two Deputy Clerks and herself, that have a total of 68 years in this Department. She informed at one point the Finance Department had a part time helper, but that person left in 2013 and was not replaced due to the economy at that time. She informed when the former Assistant City Manager left, she took over the responsibilities of preparing all grants for the City. She stated all three in the Finance Department are able to retire from OPERS in four years or less and her goal is to find, train and groom the most qualified individual to run the Finance Department upon her retirement.

Motion by Cantrell, second by Kirklin to read proposed Resolution No. 18-04. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the first reading of Resolution No. 18-04 entitled, "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME HOURLY CITY EMPLOYEES." All yeas, motion carried.

Member Cantrell asked if she will start advertising?

Finance Director Keaton stated yes.

Fire Chief Fletcher had no report.

Police Chief Jerome presented the Police Department's 2017 Annual Report.

Member Zimmerlin stated the Community Forum that was recently held at the school was an excellent event and well attended. He thanked both the Police Chief and Fire Chief for their hard work put into the event. He stated it was very informative for parents and he hopes it might be done again in the future.

Law Director Stephan informed Ordinance No. 2018-08 correlates with Ordinance No. 2018-07, which establishes regulations for Small Cell Facilities and Wireless Support Structures and was discussed at the last Council Meeting. He informed proposed Ordinance 2018-08 designates certain areas in the City as strictly for underground utilities only. He requested Ordinance No. 2018-08 be passed in an emergency so that it will be in place 90 days prior to any application for placement of a small cell facility under the state statute. He stated the state statute is expected to be passed any day. He informed the residential subdivisions that currently have underground utilities now are included in the list of designated residential areas. He informed Brookwoode Commercial Development needs to be added to the list of commercial subdivisions. The Ordinance also specifies that underdeveloped areas would require underground utilities in the future as well as other areas in the City that currently have underground utilities. He informed under Ordinance No. 2018-07, areas of Brookville that currently have utilities in the alleys would require location of the small cell facilities also in the alley. He provided Council with a map of the areas.

Mayor Seagraves informed he attended the Mayor and Manager's dinner last week and a lot of other communities are trying to figure out what to do with this and Brookville is in the forefront with this legislation. He stated the state changes things by the hour and we are just trying to stay ahead of the program and prevent a future legal battle.

Law Director Stephan advised there is a state statute that we must provide a process for a waiver to be applied for if someone does not want to place equipment underground as stated in our Ordinance.

Member Cantrell asked who would approve if someone made an appeal?

Law Director Stephan informed under Ordinance No. 2018-07, the City Manager would make the permit decision and any appeals would go before City Council and then from there, would appeal to the Court System. He stated right now, that is the administrative structure we have set up.

Mayor Seagraves stated without these Ordinances in place, these small tower facilities can be put up just anywhere and everywhere.

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

Motion by Kirklin, second by Cantrell to accept the second 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.

Motion by Cantrell, second by Kirklin to read proposed Ordinance No. 2018-08. All yeas, motion carried.

Motion by Cantrell, second by Schreier to accept the first reading, dispense with the second and third reading, declare an emergency and adopt Ordinance No. 2018-08 as amended to include BrookWoode Commercial Development and entitled, "AN ORDINANCE DESIGNATING CERTAIN AREAS IN THE CITY OF BROOKVILLE AS STRICTLY FOR

UNDERGROUND UTILITIES, AND DECLARING IT AN EMERGENCY.” All yeas, motion carried.

Mayor Seagraves informed the Montgomery County Engineer has closed the foot bridge on Arlington Road by Lee’s Chicken. He informed the bridge was deemed unsafe. He informed Staff is working on numbers to have the bridge replaced and will be bring back more information.

In Old Business,

Mayor Seagraves stated Council has come to the conclusion the summer time seems to be bad a time for Council Members to schedule the Council Retreat and it would be best to look into dates in September.

Member Cantrell suggested making sure the Retreat is done with enough time prior to the beginning of preparing the budget for next year.

Member Cantrell informed she made contact with Speedway and their legal counsel is working on drafting a letter to us stating their support of banning parking near Speedway north.

Police Chief Jerome recommended the only limited parking we should allow should only be the limited parking that is currently there. He stated the area is a nightmare with the amount of trash and problems the semis cause. He stated the amount of alcohol and urine bottles found in the area are a serious problem, the whole area is a real problem. He informed his Department has increased monitoring of the area and the writing of tickets but there is not enough man power to completely eliminate the problem. Their increased efforts have helped but being right off Interstate 70, the problem may never completely go away.

Fire Chief Fletcher stated with all do respect to a business who wants to allow parking in front of their business, we wouldn’t allow that sort of semi parking anywhere else in the City and the problems that arise from that area are serious.

Police Chief Jerome informed a Hyper Reach call will go out for another temporary full ramp bypass that will be scheduled for next week on the Arlington Road Bridge.

Mayor Seagraves reminded the Annual Park Cleanup day was rescheduled to April 28, 2018.

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

Mike Duncan, of 879 Dorothy Lane, stated there is a large pot hole on Arlington Road near I-70, right past Wendy’s. He stated he is not sure if it would be the City’s responsibility or ODOT’s, but it is a pretty large pot hole.

Mayor Seagraves stated he thinks it is ODOT’s responsibility but the City can address it with ODOT.

Mr. Duncan stated a problem that seems to be coming back is the newspapers just being thrown everywhere in the streets and yards when being delivered. He stated it was a problem several years ago and it seems to be coming back.

Finance Director Keaton stated last time, the City sent a letter to the Dayton Daily News and it seems to slow down the problem.

Bruce Garber, of 434 Sycamore Street, asked if the existing areas that have utilities in an alley would be grandfathered in?

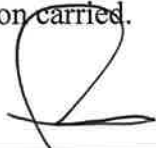
Law Director Stephan informed areas with utilities in the alley will require future utilities to remain in the alleys.

Mr. Garber stated he was just wondering about DP&L.

Law Director Stephan informed the Ordinances discussed tonight are to help regulate Small Cell Tower Facilities for the future and have nothing to do with current DP&L utilities.

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



Meghan Wheeler, Clerk

David E. Seagraves, Mayor