

Brookville City Council
Regular Meeting
August 21, 2018

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on August 21, 2018 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Kirklin, Letner, Schreier, Wilder, and Zimmerlin; Fire Chief Fletcher, Police Chief Jerome, Finance Director Keaton, Law Director Stephan, City Manager Burkholder and Clerk Wheeler were present. Member Cantrell was absent.

Mayor Seagraves welcomed everyone. He informed Member Cantrell is absent.

Roll Call by Clerk Wheeler.

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

Motion by Zimmerlin, second by Kirklin to approve the Regular Council Meeting Minutes of August 7, 2018. All yeas, motion carried.

Joe Braden, of the Ohio Auditor's Office, stated on behalf of State Auditor Dave Yost, he is happy to be here to present the City of Brookville with the Auditor of the State Award. He informed the State Auditor's Office audits nearly 5,900 entities each year and less than 8% of those entities are eligible for the Auditor of the State Award. He described the qualifications that must be met in order to earn the Award. He informed this Award represents not only the Finance Department but all of the City employees who strive each day for accounting excellence. He thanked the Mayor, Council Members, City Manager and all City Staff for their efforts in accounting for every dollar in each department of the City. He stated he especially wanted to recognize Finance Director Keaton for her leadership, professionalism and fiscal integrity. He presented Finance Director Keaton with the Auditor of State Award.

Mayor Seagraves thanked Mr. Braden for attending.

Member Kirklin thanked Mr. Braden for coming. She stated it seems so often, it gets taken for granted the level of performance and level of achievement it really takes to earn this award. She stated ultimately it is appreciated for the Auditor's Office to come and present this award to help everyone understand what this award means, what's behind it and how there are only a chosen few who earn the award.

Mayor Seagraves thanked Finance Director Keaton. He stated she is truly a professional and he sleeps easier at night knowing she is taking care of the books and that they are balanced each day. He stated he is very proud of Finance Director Keaton and she works very hard. He informed knowing where ever dollar is spent is critical in this day and age.

Manager Burkholder reported the NorthBrook Water Tower Project is progressing well with painting scheduled within the next week. He informed the City will be submitting an Ohio Public Works Commission application for funding for the third phase of this water project, which is the I-70 Waterline Loop Project.

Manager Burkholder informed the Health Department has been out to do Mosquito testing for the West Nile Virus at the Soccer Park and Golden Gate Park. He informed the initial test was negative and another more recent test was just done and we are awaiting those results. He informed other areas in Montgomery County have had positive tests.

Manager Burkholder informed he attended the Montgomery County ED/GE Renewal Advisory Committee to discuss the program and its renewal. He informed he has been asked to serve on the Committee with other various leaders and officials from within Montgomery County. He

reminded some of our businesses have been recipients of grants through the program. He provided Council Members with a brief history of the program.

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.

Finance Director Keaton informed the Finance Department is back to full staffing as of August 13, which is the first time since April 18, 2018.

Finance Director Keaton requested Council accept the second reading, dispense with the third reading and adopt proposed Resolution No. 18-09 and 18-10. She informed the deadline to submit the Ohio Public Works Commission Applications is August 22, 2018 and the adopted Resolutions are required to be included with the applications.

Motion by Kirklin, second by Schreier to read proposed Resolution No. 18-09. All yeas, motion carried.

Mayor Seagraves stated these are items that have been previously been discussed and are critical to the funding mechanisms of completing these projects.

Motion by Kirklin, second by Schreier to accept the second reading, dispense with the third reading and adopt Resolution 18-09 entitled, "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE MAPLE STREET RESURFACING PROJECT." All yeas, motion carried.

Motion by Kirklin, second by Schreier to read proposed Resolution No. 18-10. All yeas, motion carried.

Finance Director Keaton informed the Maple Street Resurfacing Project is being submitted as a Local Transportation Improvement Program (LTIP) Application and a State Capital Improvement Program (SCIP) Application. She provided Members with a breakdown of each application. She informed the I-70 Waterman Crossing Project is being submitted as a SCIP Application and will be a 50/50 split between a grant and a loan.

Motion by Kirklin, second by Schreier to accept the second reading, dispense with the third reading and adopt Resolution 18-10 entitled, "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE I-70 WATERLINE CROSSING PROJECT." All yeas, motion carried.

Mayor Seagraves asked Fire Chief Fletcher to provide Council with some background on his recent certification the Ohio Fire Chiefs' Association (OFCA).

Fire Chief Fletcher informed the OFCA and the Ohio Fire and Emergency Services Foundation have identified the need to further enhance the professionals of Chief Fire Officers throughout the state of Ohio by the establishment of a uniform credentialing program. He informed the goal of the program is to ensure a strong degree of accountability and set forth goals to establish a higher degree of professionalism to better prepare and serve their departments, community and other organizations. The goal is to promote the professional development of the Chief Fire Officer in Ohio and to assist these Chiefs in their daily operations, management and leadership.

He informed through this program, the OFCA has attempted to establish occupational education, fire service related training and experience criteria relevant to the position of Fire Chief. He informed he is the third Chief Officer in Montgomery County to receive the Ohio Fire Chief designation. He informed his goal is to also encourage his Officer Staff to achieve this designation and to have the first fully accredited Officer Staff in the area.

Mayor Seagraves stated what a great night in Brookville and we are truly blessed with what we have to work with in this community.

Mayor Seagraves presented Fire Chief Fletcher with a certificate on behalf of the Ohio Fire Chiefs' Association to certify his Ohio Fire Chiefs' designation.

Mayor Seagraves congratulated Fire Chief Fletcher.

Police Chief Jerome introduced the newest full-time Officer, Tim Beaver. He informed Officer Beaver came to us from Perry Township and was very impressive during the testing period, he certainly did his homework prior to interview and testing. He stated he is very excited to have him. He reported Tim was sworn in yesterday and is a very prepared individual who really wanted to be a part of the Brookville Police Department. Chief Jerome stated he hasn't seen dedication like this in a new hire in a long time.

Mayor Seagraves welcomed Officer Beaver and wished him the best of luck.

Police Chief Jerome reported the Brookville Police Department handled 401 Reportable Incidents year-to-date, compared to 494 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 352 Citations issued year-to-date. There were 190 traffic stops for July compared to 159 during July 2017.

Police Chief Jerome informed the School Resource Officer Program is off to a great start. He stated we may not have some of the issues other schools have, but hopefully this Program will help to keep it that way. He stated we will have a zero tolerance policy at the school and bad behavior will not be accepted.

Law Director Stephan informed the County Commissioners approved our Agreement last Tuesday for our Building Code and Enforcement with Montgomery County and our application and related documents were submitted to the Ohio Board of Building Standards and we are on track for approval from them by Friday. He informed we are still moving forward with the process and will continue to work towards the smoothest possible transition for the process.

Law Director informed he was contacted by attorney, Gregory O'Conner, for Giant Dayton regarding the status of their project to build a new BP Station at the Triggs Road site. He informed Mr. O'Conner indicated they are requesting an additional six months to start construction because they have had difficulty with obtaining subcontractors for this project, and they now would like to start in the spring rather than try to through the winter with weather delays.

Member Schreier asked if the six month extension is for construction to begin?

Law Director Stephan informed yes.

Member Schreier asked if they can still opt out or if this is a binding deal?

Law Director Stephan advised it is a binding deal. He stated we can revoke the exemption and then remove the sign but we cannot force them to build a building. He stated if they do not move forward we can take away that incentive.

Mayor Seagraves stated the City has worked hard to get where we are on this project and he would hate to upset them too much. He stated he would really like to see a building go up and if they are in a bind finding contractors then an extension makes sense.

Member Letner stated he knows the contractors are really busy right now with other projects in the area and he can side with BP in this case.

Member Wilder stated the temporary fence seems to have fallen down around site. She asked if we need to have it put back up?

Law Director Stephan informed the City Manager would like to have that issue addressed also. He stated Staff will be working on addressing the issue.

Manager Burkholder informed some barriers need to be put back up to keep semi's from getting stuck in the area. He stated having the area fenced and secured should be their responsibility.

Motion by Kirklin, second by Zimmerlin to approve an extension of six months for the commencement of the construction of the BP Station Project at 801 Arlington Road. All yeas, motion carried.

Law Director Stephan advised ODOT has recommended that Wagner Paving be required to provide a Maintenance Bond for paving provided on the Arlington Road Bridge Project. He informed construction testing on the pavement indicated that the pavement was slightly below the standard specified in the contract, and the Maintenance Bond will protect the City of Brookville and ODOT in the event of defects in the pavement during the useful life of seven years for the pavement. He stated the testing was only a few hundredths below the standards and is not a major failure but ODOT has recommended it and Wagner Paving is willing to provide the bond.

Law Director Stephan requested City Council approve a motion authorizing the City Manager to accept the Maintenance Bond from Wagner Paving for the Arlington Road Bridge Project.

Mayor Seagraves informed there was a recent meeting with ODOT engineers and this is such a minor issue, but the Maintenance Bond basically allows us an added insurance for the next five years.

Manager Burkholder informed ODOT presented the Maintenance Bond and if approved by Council, it will go back to ODOT to present to Wagner Paving. He informed ODOT put together the language and will be our partner in this. He stated this was initiated by ODOT as a solution and to give the City security. He stated the pavement is consistent and there are no variations, it is very smooth. He informed it is only the density that when inspected by ODOT, was slightly under the minimum standard by three tenth of a percent.

Member Zimmerlin asked if inspections will be done frequently?

Mayor Seagraves informed an annual inspection will be done by ODOT and the City.

Manager Burkholder explained 100% would be covered the first two years, 70% for the next three years and 50% for the last two years.

Motion by Schreier, second by Kirklin to authorize the City Manager to accept the Maintenance Bond from Wagner Paving for the Arlington Road Bridge Project. All yeas, motion carried.

Mayor Seagraves commended the contractors and the City for diligently working on the bridge and having it open on time. He informed they did meet the criteria and had it opened prior to the

start of school. He stated the bridge is open but minor work will still be completed over the next month.

Mayor Seagraves informed ODOT would like to have a brief ribbon cutting and will get with Staff on possible dates.

Member Wilder asked if it is known when Route 49 will be redone?

Fire Chief Fletcher informed the last correspondence he received was that it was still in the engineering phase.

In Old Business,

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

Motion by Kirklin, second by Schreier to accept the third reading and adopt Resolution No. 18-07 entitled, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FINAL AGREEMENT WITH ODOT FOR THE 2019 STP PROJECT AT WOLF CREEK STREET." All yeas, motion carried.

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

Motion by Kirklin, second by Schreier to accept the second reading of proposed 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.

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.

Member Zimmerlin asked with Good Samaritan Hospital now closed, how has it affected ambulance runs?

Fire Chief Fletcher explained it has been a wash so far. He informed it does take more time for crews to go to Miami Valley's Main Campus, but since Miami Valley North is so close, it shaves off a lot of time and so far seems to be equaling out.

Member Zimmerlin asked about the issues with Speedway parking since the Arlington Road Bridge is now open?

Manager Burkholder informed the situation has not improved. He stated it is virtually impossible to enforce the littering problems that occur there. He stated his recommendation, now the Bridge is reopen is to make it no parking. He suggested sending correspondence to notify Speedway North of the situation and include pictures. He encouraged Council Members to drive by the area and see how bad the issues really are first hand. He described the semis have caused destruction in certain areas of the roadway by the Speedway. He stated he would like to clean up right a way, fill the potholes, put up new signs and make the entire area no parking. He stated this will be an issue we will have to continue to work with.

Police Chief Jerome stated he will check back with ODOT on the no parking signs for the ramps from I-70.

Mayor Seagraves stated he thought ODOT had previously said they would wait until the Arlington Road Bridge was completed and then post the no parking signs on the on/off ramps to I-70.

Motion by Zimmerlin, second by Kirklin to prohibit parking on East Campus Boulevard and Walker Court. All yeas, motion carried.

In New Business,

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

Manager Burkholder explained the Clerk of Council position also serves as a Deputy Clerk position. He informed it was time for Clerk Wheeler's Annual Review, which has been done by the City Manager and was exemplary. He stated because she serves as Clerk of Council, it must be passed in a Resolution by City Council. He stated it is mainly a bookkeeping formality.

Member Letner asked if this rate was built into the pay Resolution passed at the beginning of the year?

Finance Director Keaton informed yes.

Manager Burkholder informed this is for the Clerk's merit increase, which is done for City Employees annually and if she were any other hourly employee and not the Clerk of Council, it wouldn't have to come before City Council.

Member Letner asked if it is time to consider making the Clerk of Council a full-time position?

Manager Burkholder stated it is and he and Clerk Wheeler have discussed do so and feel there is certainly enough work load to support it.

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

Manager Burkholder requested Council approval for Change Order #1 on the NorthBrook Water Tower Project. He informed we have a contingency of \$94,470. He explained when this project began we had discussed using a black fence but somehow was not included in the specs. He stated the black fence not only looks better but will last longer. He informed the only other change order he could possibly see would be related to the lighting. He informed the lighting is still be verified with the contractor and engineer. He informed the cost for Change Order #1 for the black fence would be \$6,394.

Motion by Schreier, second by Kirklin to approve Change Order #1 to change the chain link fence to Black Poly Coated on the NorthBrook Water Tower Project in the amount of \$6,394. All yeas, motion carried.

Member Zimmerlin asked if the same logo that is on the existing water tower will be painted on the new water tower?

Manager Burkholder informed yes, the tank will be painted white with the same logo that is on the existing water tower. He informed he is still waiting on the final proof for the painting and logo.

Manager Burkholder requested Council approval to request new proposals for City towing services. He informed the existing standards, expectations and requirements need to be reviewed and updated.

Police Chief Jerome informed the current Towing Policy is outdated and hasn't been updated since 2011. He informed some of our neighbors have recently done similar revisions. He stated we currently use four different companies and are in need of a revamp. He informed by doing a new proposal it will give these companies a chance to see if they can meet our new standards.

Motion by Zimmerlin, second by Schreier to authorize the City Manager to request proposals for City of Brookville Towing Services. All yeas, motion carried.

Mayor Seagraves informed Council is in the process of filling the open Park Board position and tonight interviewed three applicants for the open Park Board seat. He stated there three great candidates were interviewed tonight and someone will be appointed at the next Council Meeting.

Bonnie Cordes, President of the Brookville Park Board, informed an Urban Forrester will be coming to evaluate the area at Golden Gate Park for the proposed grove to ensure no damage will be done by the project to the two large oak trees.

Ms. Cordes reported the Theatre Board is working on a script for a children's play to do during the Christmas in the Park Event. She informed the Rotary Club has agreed to decorate their pavilion at the park and Park Board is working on getting other groups to decorate their shelters also.

Kim Cheatham, of 565 Adrian Court, stated she had multiple questions and would like to ask them all at once and then receive a response. She asked for the location of the Council Retreat?

Ms. Cheatham asked for the cost to repair the pedestrian bridge on Arlington Road near Lee's Chicken?

Ms. Cheatham asked if there is a specific location she can go to in advance for copies of proposed legislation prior to a meeting?

Ms. Cheatham asked for an update on the foot bridge at Golden Gate Park?

Ms. Cheatham asked if now that the new firehouse is completed, if there will be any fundraisers planned, for example chicken dinners or photographs?

Clerk Wheeler informed the Council Retreat will be held at 395 Millet Hall at Wright State University.

Manager Burkholder informed he does not have the exact final figures yet on the pedestrian bridge.

Manager Burkholder informed once Civic Clerk is implemented then the proposed legislation will be available on the website along with the Agendas and Minutes of each Meeting.

Ms. Cheatham asked when Civic Clerk is supposed to be finished?

Clerk Wheeler informed it is approximately a six week process and should be done by the end of September.

Manager Burkholder informed no decision has been made on what will be done to the bridge at Golden Gate Park. He informed an evaluation done by an independent engineer will be forthcoming and he will present to Council once received on the various options.

Mayor Seagraves stated that is a historic bridge so, it will probably take a lot of discussion and evaluation on deciding the best approach.

Fire Chief Fletcher informed the City Manager has affirmed his support in doing fundraiser events at the new fire station, but as of now the only event scheduled is the Fire Prevention Parade and Open House in October. He stated the fundraiser events Ms. Cheatham mentioned are actually events sponsored by the Fire Association and not the City. He stated once something is scheduled, it will certainly be announced.

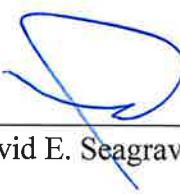
Ms. Cheatham stated she understands events take time to plan, but since the new firehouse is open, it would be a nice way to gain community support.

Chief Fletcher stated he appreciates the suggestion, but sometimes it is a struggle to have enough staff on duty to handle emergency calls and there is not always enough time for his Staff to also plan big events. He stated for the very small amount of revenue that those fundraiser events bring in, there are just other priorities right now.

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



Meghan Wheeler, Clerk of Council



David E. Seagraves, Mayor