

Brookville City Council
Regular Meeting
April 18, 2017

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on April 18, 2017 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Duncan, Henry, Kirklin and Letner; City Manager Burkholder, Police Chief Jerome, Fire Chief Fletcher, Finance Director Keaton, Law Director Stephan, and Clerk Wheeler were present. Member Cantrell was absent.

Mayor Seagraves stated Member Cantrell is absent due to a medical reason.

Roll Call by Clerk Wheeler.

Mayor Seagraves stated the Meeting is being recorded, if anyone needs to speak amongst themselves to please excuse themselves.

Motion by Apgar, second by Duncan to approve the Agenda as presented. All yeas, motion carried.

Motion by Duncan, second by Apgar to approve the Regular Council Meeting Minutes of April 4, 2017. Member Apgar abstained, motion carried with six yeas and one abstention.

Mayor Seagraves informed today is Police Chief Jerome's Birthday.

Members of Council and audience members sang Happy Birthday.

Police Chief Jerome presented the 2016 Officer of the Year Awards.

Police Chief Jerome stated this year was a little different. He informed that in 2016 something happened that has never happened in our Police Department, an officer was shot in the line of duty. He stated as the Officer Down 5K/run is approaching on May 6, we realize how very close we came to having one of our own officers included in the list of officers shot and killed in the line of duty. He informed last year there were 177 officers shot and killed in the line of duty nationwide. He said this is a very personal story for him and he has always watched police shootings on the news and watched the Police Chiefs involved and the injured officer be rushed to a hospital and there is always a big media scene. He stated five years ago when he became Police Chief, he hoped he would never have to go to the hospital to sit with a family of an injured officer or make that phone call to someone's wife or husband that their spouse was shot in the line of duty.

Police Chief Jerome stated on October 31, 2016, his worst nightmare came true. He informed Trick-or-Treat had went great that night. He took his daughter out Trick-or-treating and just like every year they always hunt down the officers on duty handing out candy because they are like her uncles as she has grown up with them. He informed they saw Officer Graci and Officer Edds while Trick-or-treating. Chief Jerome informed around 9:30 p.m. that night when his daughter changed her mind about what she wanted for lunch the next day, they were two items short so they went to McMaken's. He informed little did he know that while he was in McMaken's an incident was taking place that began with the State Patrol where someone crashed at our exit, a foot chase then started, and a bad situation happened with one person being shot and killed and another person who shot and injured one of our officers. He stated he left McMaken's and went home a different way then he has ever gone for some reason. He got home and was putting things away when his phone started to explode, he received a phone call from Officer Miller screaming into the phone. He couldn't understand him and told him to call down and tell him what happened and Officer Miller informed him Officer Edds had been shot.

Police Chief Jerome stated Trick-or-Treat had went great and everything had seemed fine in the City as it typically does and now as the highway brings us problems and continues to bring us problems, that night that is where the problem came from again. He stated somebody made a bad choice that night and shot Officer Henry Edds but he thanked God that Officer Edds is here with us tonight. Chief Jerome stated there is no chapter in any handbook that prepares a Chief for those two things that had never happened before but then both happened in one night.

Police Chief Jerome stated four surgeries later and thankfully Officer Edds is here with us tonight which is a miracle and also due to his partner, Officer Frank Graci, who placed a tourniquet on Officer Edds that night. He stated he has been told by people that thankfully Officer Edds was just shot in the arm. He stated people are uninformed and say things they don't mean but it is very upsetting because this was a very serious incident where Officer Edds lost a third of his blood that night from the time he was shot to the time Officer Graci ripped his gun belt off, pulled his inner belt out and applied a tourniquet to the blood gushing out of his arm.

Police Chief Jerome informed at the recent Optimist Club Award Ceremony for the Officer of Year, also honored were Officer Mark Miller and two Clay Township Officers who were instrumental in helping to secure the scene that night and one of the Officers who found car the next day in a pond. He described hours after the incident had taken place a K9 was dispatched, who was a very experienced and amazing dog from West Alexandria, who led officers to a trailer where Officer Miller and Clay Township Officers arrested Conrad Davis.

Police Chief Jerome stated he has given a brief version of the worst incident that has ever happened to our Police Department with an officer being shot in the line of duty. He stated when you watch the videos from that night, read the reports and listen to witness statements of what happened that night you can see the leadership that kicked in when it was needed. He always tells his officers they have it in them but in this situation during the midst of a crisis, everyone kicked in. He has seen amazing things done by Officer Miller in the video footage from that night.

Police Chief Jerome stated he was in the living room of Officer Edds's home when Officer Edds saw Officer Graci for the first time after the incident and it was very emotional. He said Police Officers have a brotherhood but there have been things that have happened in his life that he has questioned it himself but that night it brought it all back to perspective. He stated our Department has such a good relationship with other jurisdictions. He was not the first one on the scene but when he got there, there were a lot of fellow officers from other areas already there. He stated there were three cruisers wide on the overpass and Dayton alone sent 11 cruisers, which is a lot. He informed in times past he has reported us helping out other jurisdictions and has been asked why we do that, but this is why, when we help others out they return the favor when needed. When there is a call for a 99, which means officer down and help needed from everywhere, we go to help in anyway we can. He stated when our officer was shot and laying in the parking lot of Speedway bleeding profusely, we had about 55 cruisers from other jurisdictions that came to Brookville for free to help secure the scene, which is very important in a situation like this.

Police Chief Jerome stated thankfully we had three people working that night, he isn't sure what would have happened if we had not. He stated one had to save the other's life and another was at the scene to help secure the scene because it's not good when people start disappearing. Someone has to tape the scene off and start getting witness statements. He stated these three, even though he already thought the world of them, went above and beyond the call of duty. There was no way that when honoring the 2016 Officer of the Year that we could not honor all three of them. He stated not only do we have Officer Henry Edds who will receive the first Purple Heart in our Police Department to his knowledge. Officer Edds is the first officer in our Department to have been shot in the line of duty and will receive the Purple Heart not only because he was shot but lived through it. We have another Officer who saved Officer Edds's life because he acted so quickly and another Officer who if had not taken the steps he did to secure

the scene, successful prosecution may not have happened. Chief Jerome stated thankfully the man who shot Officer Edds is now in prison, which is where he should be.

Police Chief Jerome asked for all three Officers to stand. He explained the Chief's award, has an eagle on it, and he has given it out for the last five years in a row. This year he added a thin blue line behind the badge.

Police Chief Jerome stated Officer of the Year, in his opinion was not enough this year since this was such a dramatic event, so he petitioned the Police Hall of Fame that has special awards for situations like this. He explained to receive a special award from the American Police Hall of Fame you have to submit in writing the story, why you think someone deserves the award, a copy of the police report, and then they have a committee that then votes on it. He informed the committee unanimously voted for all three of our offices to receive the award. He was very proud of that and informed they also received a lepel pin for their uniform and a pin for their dress uniform. He presented Officer Edds with the Officer of the Year Award for 2016 and the Purple Heart for the incident on October 31, 2016.

Police Chief Jerome presented Officer Frank Graci with the Officer of the Year Award for 2016. He informed Officer Graci also received the Silver Star Award for bravery. He stated we have never issued one of these before and he is glad that we haven't ever had to have an award of this nature in the past but he is very proud of Officer Graci.

Police Chief Jerome presented Officer Mark Miller with the Officer of the Year Award for 2016. He informed Officer Miller also received the General Combination Award, which is the next highest award offered. To receive this award an individual must meet very specific criteria. He explained that with call levels and crime rates that have been escalating, he does expect a lot of his Officers. He stated what Officer Miller did during this incident was beyond what is expected on a daily basis. Chief Jerome stated he was overwhelmed when he watched the video of what happened and the actions of Officer Miller and was very impressed. He stated when you watch your Officers in action, that is when you see what they can really do and he is so proud.

Mayor Seagraves thanked Police Chief Jerome and his Officers. He stated he is very thankful to have Officer Edds present tonight. Mayor Seagraves thanked the Sheriff's Department and the surrounding areas for their help and to all who stepped up to help in this situation. He stated he hates to say it but he knows there will come a day when we will return the favor. Unfortunately, with the highway the way it is, it just gets tougher every day. He thanked the families of the Officers for all of their support. He stated it is a terrible thing to have to honor someone under these circumstances but he is thankful to have had these three Officers on duty that night and for the amazing, heroic job they did. Mayor Seagraves stated he hates to think if the incident would have happened just one hour earlier during the midst of hundreds of kids out Trick-or-Treating and the possibility of them being at the Speedway.

Gail Colston thanked Council for allowing her to speak tonight about the upcoming Breast Cancer Walk. She informed this walk has raised \$80,0000 over the last seven years. She stated a few years ago they partnered with the Pink Ribbon Girls and the money raised helps for research and to help support those fighting the fight. He informed last year they had 1,000 walkers and would like to have the event grow every year so they are encouraging everyone to bring a friend. She stated last year they had "500 strong" from Brookville Schools, who have really have embraced the experience. She has even seen the young girls get involved in this and really are making a difference, including the Girl Scouts, Pee Wee Cheerleaders. They have also asked local businesses to help. Ms. Colston informed they have Brookhaven as a new sponsor this year and they are very excited for that.

Ms. Colston stated the Walk will be held on Saturday, September 30, 2017 at 9:00 a.m. The biggest change will be the walkers will not be leaving from the theatre. They have secured the High School parking lot this year for the start, so walkers will leave the school on Blue Pride Drive and then go right on Western and across Westbrook. She stated in the past it has kind of

been scary having to cross Arlington Road. The number one reason for change was safety and also parking, but it will also give them more room in the parking lot for merchandise trucks, and a mammogram truck. Ms. Colston stated the walk route will be the same route, they will just be getting to it a little different. She asked Police Chief Jerome for assistance in crossing the street. She stated it is also nice to have an ambulance close by with that many people walking and the possibility of them overheating.

Member Henry congratulated her on the success the walk has had over the last few years and for the continued growth.

Ms. Colston stated it is hard to believe how it has grown over the last seven years. She stated our community has been unbelievable with showing their support and generosity especially even our Police cruisers who display pink ribbons on them to show support. Ms. Colston stated anyone who know her knows that pink is her passion and our community is just home to this walk. She stated

the Pink Ribbon Girls are amazed at how successful a community of our size has been with this walk. She stated Brookville is the largest single one day event without a large corporate sponsor and that says a lot.

Motion by Duncan, second by Henry to allow the Breast Cancer Walk on September 30, 2017 at 9:00 a.m. with the same route as last year with the starting location at Brookville High School. All yeas, motion carried.

Mayor Seagraves asked if anyone was in attendance from the Brookville Baseball Club to speak about their upcoming Opening Day Parade?

Police Chief Jerome informed the Brookville Baseball Club submitted an event form for their Opening Day Parade to be held on Saturday, April 29, 2017. He informed their event form lists a start time of 11:00 a.m.

Member Kirklin asked if it is the same route as in the past?

Police Chief Jerome stated it is the same route as in the past, they will be lining up on Carr Drive.

Motion by Kirklin, second by Henry to allow the Brookville Baseball Club to hold their Opening Day Parade on April 29, 2017 beginning with line up at 10:00 a.m. and the parade starting at 11:00 a.m. with the same route as last year. All yeas, motion carried.

Manager Burkholder stated Council has received a copy of his report detailing the multiple projects going on and he has also passed out a document for the Brookville street repaving projects. He wanted to give an update on the various plans that have been completed, initiated or are in draft form. He stated a lot of times, projects are discussed verbally one at a time but he thought it would be a good opportunity for audience members as well as Council Members to have an update on all of the various planning projects we have going on. He informed a draft 70 page Water Modeling Study has been provided to Council for review and comments and over \$8 million in water line capital improvements were identified. An electronic copy was also sent to Council for their review and can discuss at the next Council Meeting.

Manager Burkholder informed the five-year Waste Water Capital Improvement Plan draft will be presented to Council at the May Meeting for review and comments.

Manager Burkholder reported the five-year Fire Department Capital Improvement Plan was presented at the last Council Meeting.

Manager Burkholder informed the five-year Police Department Capital Improvement Plan is in progress.

Manager Burkholder stated the Comprehensive Street Inventory Study will commence in June 2017. The last inventory was completed in 1996.

Manager Burkholder informed the Draft Strategic Plan Proposal composed by Miami Valley Regional Planning Commission has been forwarded to the Brookville Planning Commission for review and discussion at their next Meeting.

Manager Burkholder reported the City facility and Lighting Energy Audit has been commissioned and is in progress.

Manager Burkholder reported the Brookville Fire Station Project and the Market Street Extension Project are moving from the planning phases to the construction phase.

Manager Burkholder informed the information technology and telephone upgrade has moved from the planning phase to implementation.

Manager Burkholder informed the Wastewater Treatment Plant National Pollution Discharge Elimination System permit renewal application is underway and our current permit expires on January 31, 2018.

Manager Burkholder stated he has hired a part-time Geographical Information Systems (GIS) intern to augment the mapping data already on the City's GIS System.

Manager Burkholder reported the Ohio Department of Transportation (ODOT) planned and funded Arlington Road Bridge Replacement Project is moving from Stage 2 planning to Stage 3 with the construction in the the spring of 2018.

Finance Director Keaton provided Council with the month-end income tax report for March from the City of Vandalia. She stated as the report indicates the overall receipts are down 9.5% year-to-date.

Finance Director Keaton reported we received confirmation that we are the recipients of the Keep Montgomery County Beautiful Grant that we applied for on behalf of the Leaf and Blossom Club and we will be receiving \$850 in grant funds for the flower planters on Market Street, which is an annual tradition that was started several years ago.

Fire Chief Fletcher reported the Fire Department has experienced due to the weather patterns recently, wind combined with open burning are resulting in fires that extend beyond well attended camp fires. He stated these types of fires tie our personnel up for a long period of time and sometimes have to rely on our neighbors for help. Chief Fletcher stated these fires are preventable and it is not proper to burn brush within the City limits. He reminded brush should be sent out with normal refuse procedures and not destroyed by fire. He stated these are avoidable nuisance calls that prevent personnel from other emergency calls.

Chief Fletcher reported four Heroin suspected deaths in the Brookville area. He stated he would like to say we are seeing a downturn but that's just the opposite and they are actually just as busy dealing with the heroin epidemic as ever.

Police Chief Jerome reported the heroin report from the county and for the first two weeks of April in Montgomery County there have been 250 overdoses. He informed March concluded with 369 overdoses, which was a little down from the 378 in February. He informed on Fox News recently they reported the 2015 numbers for the state of Ohio drug related deaths were 3,310 people, which were more people then killed in 9/11. He stated that is so frustrating. Chief Jerome stated he was hoping this would be more of a transient problem than a local problem but we have had to-date seven overdoses this year and three of them have resulted in deaths, which is 43%. He stated in 2015 and 2016 we had zero related drug deaths in Brookville.

Police Chief Jerome informed the total drug cases we had in Brookville for 2015 was 11; 14 in 2016 and 10 already in 2017. He stated domestic violence calls in 2015 were 17; 2016 were 24 and we have already had 10 so far for 2017. He stated as he has mentioned in the past, domestic violence calls are one of the most dangerous calls for an officer to respond to and one of the most common calls for an officer to be injured on.

Police Chief Jerome informed one success story we've had is thanks to a subscription we have called Leads on Line, which gives us a back door access to all pawn shops and allows us to enter suspect's names into the system. He stated he is very happy to say we have a very close resident that likes to visit a house on Maple Street. There was a suspected theft of silver and the Detective kept checking this from all angles which lead them to the thief and the suspect is now going away to prison for 14 months. He stated they could not have made this conviction without this system to know where the suspect went with the stolen property.

Police Chief Jerome stated he is going to start reporting on some of the incidents that occur that he then gets a lot of phone calls about. He stated since the shooting incident in October we seem to have had quite a few gun incidents. He reported on March 28 we had a pitbull in Terrace Park bite three people. He informed the dog tried to attack the Fire Department and then the Police Department before the Officer had to put the dog down right behind the school. This event was problematic as there was a tennis match, a softball game and a track meeting going on that all went into lockdown at the same time that there were three people bleeding and needing medical attention, so all of that resulted in a very busy situation.

Police Chief Jerome reported last Tuesday at 4:00 a.m. Officers near the Waffle House heard shots fired and responded back to the Rhona Village area where a van sped away at a high rate of speed. He informed the vehicle was lost but they did find shell casings in a parking lot near Ramblewood. He stated they have had quite a few reported robbery situations, person to person, which they suspect to be drug related. Chief Jerome stated he wanted to bring some of these items to Council's attention so that they are aware of what is going on.

Police Chief Jerome presented the Police Department's 2016 Annual Report. He stated in 2016, the Police Department did 12,144 foot patrols. He informed foot patrols include vacation house checks, school patrols, and bank checks, which are all things done proactively and are one of their priorities. He reported the heroin yearly comparison and those numbers are way up. He stated until 2017, he was one of the few Chiefs that could say we hadn't had any drug related deaths. He stated the heroin deaths that Fire Chief Fletcher reported on tonight, he knows were all within the City limits of Brookville, not in one of the Townships.

Police Chief Jerome stated if Council has any questions in reviewing his 2016 Annual Report to please call or email him.

Police Chief Jerome informed his Department is leading into a change, not necessarily a good one for them because Officer Maples is leaving the Department to join Butler Township. He stated this is a big loss for us and he is actively looking for a replacement Officer. Chief Jerome stated he has discussed staffing challenges with the City Manager and it continues to be a challenge for us and other jurisdictions nationwide. He stated for the first time in his career of 27 years, there are more full-time openings than ever and that makes it even harder to fill part-time positions. He informed they extended the upcoming test because only three applied, which is not what he was expecting. He informed they have extended the deadline in hopes of receiving more applicants. He will be bringing recommendations to the City Manager on what to do if the problem continues of being short on part-time officers.

Police Chief Jerome informed another problem other Chiefs are having is burning out their employees because of the overtime. He stated at first the employees are happy with the overtime and then they start to get burnt out and moral drops and the increase of sick time and days off increase. He stated it takes three to four months to train a full-time officer, so when we lose

someone it is a big deal, you can't just hire someone and throw a gun belt on them. We hold them at a very high standard and it takes a long time to replace them. He stated it is very likely he will be bringing recommendations to the City Manager in the near future, he is also adjusting a plan he had had in place to go through 2019. He is also looking into cameras similar to Englewood around certain intersections, especially around the interstate where the problems are. He thinks having a camera's eye on things would be helpful and dispatch could then help us as well and possibly obtain license plate numbers.

Police Chief Jerome stated the Police Department was not happy to recently find out that when Butler Township recently made a bust they discovered a member of the drug cartel in Mexico had recently stayed at the Brookville Inn for five days before being caught in Butler Township. He stated people say all of the time, this is just Brookville but that's not true, with I-70 right in town, we are fooling ourselves if we think nothing is going on.

Law Director Stephan advised under the Construction Manager At Risk Contract, Brumbaugh Construction is required to provide a guaranteed maximum price (GMP) for the fire station project. He informed Brumbaugh Construction has now provided a GMP of \$5,821,746 for the fire station Project. The GMP includes the cost of construction of the fire station, the Construction Manager fee of 6%, and a contingency of 3% that is reserved to address unforeseen or unexpected events in construction. He stated this is a maximum price and it is the hopes of Brumbaugh Construction and the City Staff that the total amount will actually come in lower.

Law Director Stephan informed the City has sufficient funds from the fire station bonds issued last fall to pay the GMP for the project.

Law Director Stephan requested City Council approve by motion the GMP for the Fire Station Project, and authorize the City Manager to execute the GMP Amendment to the Construction Manager at Risk Contract with Brumbaugh Construction.

Motion by Apgar, second by Kirklin to approve the Guaranteed Maximum Price for the new Fire Station and authorize the City Manager to execute the GMP Amendment to the Construction Manager at Risk Contract with Brumbaugh Construction. All yeas, motion carried.

Law Director Stephan advised the City Staff directed App Architecture to obtain proposals for construction testing on the Fire Station Project. Three proposals were received from construction testing firms. The lowest proposal was from Geotechnical Consultants, Inc. for \$27,297. App Architecture has recommended that the City retain Geotechnical Consultants for construction testing.

Law Director Stephan requested that City Council approve by motion to accept the proposal of Geotechnical Consultants, Inc. for construction testing services in the amount of \$27,297.00 for the Fire Station Project. He informed we need to move forward to have them under contract within the next two weeks so that they can begin services.

Motion by Henry, second by Kirklin to accept the proposal of Geotechnical Consultants, Inc. for construction testing services in the amount of \$27,297.00 for the Fire Station Project. All yeas, motion carried.

Law Director Stephan stated the City has received the annual notice from the Division of Liquor Control regarding the renewal of liquor permits within the City of Brookville. City Council has the right to object to the renewal of a liquor permit and to request a hearing on that objection.

Law Director Stephan informed he has spoken with Police Chief Doug Jerome and has been advised that the Police Department does not have any objection to the renewal of existing liquor permits in the City of Brookville.

Law Director Stephan requested that City Council by motion waive the filing of an objection to the renewal of any current liquor permits in the City of Brookville.

Motion by Duncan, second by Kirklin to waive the filing of an objection to the renewal of any current liquor permits in the City of Brookville. All yeas, motion carried.

Member Duncan stated it has been on the news recently that the State Representatives are trying to pass House Bill 175 which is legislation to allow chickens, goats, and rabbits to be raised in backyards and would supersede any City's Ordinances. He asked if Law Director Stephan knows if anyone is protesting this?

Law Director Stephan stated he does not know much about this but can look into it. He stated that sounds like something City governments should be concerned about.

Member Duncan stated he heard there were about twenty representatives backing this bill.

Law Director Stephan stated one problem we are seeing is the State trying to take away more and more local authority to control zoning in their communities.

Manager Burkholder stated we could check with the Ohio Municipal League.

Manager Burkholder requested Council authorization to purchase the Booster Pump. He informed it is his recommendation since we are paying \$4,000 a month to lease the equipment, that we would be better to purchase it instead. He stated we are about three months into the lease and he does not see a fix in the next twelve months. We can get a 30% credit for the amount we have paid so far toward the purchase price of \$72,000. He stated if we wait longer then we will continue to pay additional lease payments and only be able to apply 30% of the amount paid. He informed there have been conversations with the vendor as to what we could do with the pump once we do figure out a long term solution and they would be willing to buy it back at a reduced rate. He stated they can't guarantee what they will give you for it because they do not know how long we will have the pump for.

Manager Burkholder stated the pump is operating extremely well and kicks on when there is a demand.

He stated this is something he feels we need to invest in to keep the flow at hydrant 108 across from Payless.

Member Henry asked the total monthly payment?

Manager Burkholder stated over \$4,000 a month and is approximately \$40,000 or \$50,000 per year with the original cost being right around \$75,000 to purchase. He stated in order to protect our investment he thinks it would be beneficial to purchase the pump. He stated it has already been four months and we still do not have any sort of long term solution or the funding for the next step.

Member Letner stated he isn't saying the pump isn't necessary but he thinks there is adequate flow there. He stated that has been proven with the incident at Speedway, when the hydrant was torn out, it drained our water tower. We have a half a million gallon water tower and at anytime it has to have a minimum of 300,000 to 350,000 gallons of water. If that flow can come out of that hydrant in that amount of time and yet we aren't sure of the flow at hydrant 108 without the booster pump then something is a miss.

Fire Chief Fletcher informed that would be a risky measure to measure a damaged fire hydrant draining the water tower as a determining factor of whether things were properly plumbed or not. He stated the things we have that are showing us we have inadequate water flow are several years of flow testing and opinions of water engineers. He stated the Booster Pump was the recommendation of engineers with a lot of experience in water studies and water engineering. He stated he does not believe that the hydrant being hit proves that there isn't a problem. The problem isn't if water is getting up there, it's the volume of water that needs to be available. He

stated the failure is trying to draw 2,500 gallons of water per minute off of the system.

Member Letner stated then his question is, is the engineering now wrong or was the engineering then that was wrong? He asked was it engineered wrong when the Northbrook industrial park was built or false reports now?

Manager Burkholder stated it is not false reports now because of the science. He stated until someone can provide evidence and not just speculation as to the problem then we are going on the best science and engineering that we have. He stated there was testing done back in 2007 that pointed to insufficient flow. He stated he did recently learn during this investigative process that we have kept our water tank artificially low. He informed the City of Dayton was told by our City officials years ago, prior to him that they keep the water tower low because we have a fragile system and if the there is too much pressure on the system it could lead to additional water main breaks.

Manager Burkholder informed we have found some as-builts and have forwarded the information to Poggemeyer Design Group, the engineering firm we have hired to look into further. He stated what happened when it was originally constructed is a mystery to most people. He stated City Staff is working diligently with Payless to try and figure this problem out. He stated the constant commentary that the current study is not accurate is not helpful and the only thing he can say is that until he sees contradictory evidence, we will go with the engineer's study's and recommendations. He has made a plea for anyone who might have any knowledge on this to please speak up, and interviews have also been conducted with former Fire Chiefs and past City employees to try to collaboratively find a solution. He stated this could be a situation where the product is not big enough, or our tower is not big enough as many communities have to eventually add a second tower to get enough pressure. It has been looked into if the line was originally installed correctly or there are any high or low spots or bubbles somewhere.

Manager Burkholder stated Payless has not commented on their thoughts as to what we should do but we are going back to our seven item recommendation of where we think the problem is.

Member Duncan asked if Payless is looking at their system?

Manager Burkholder stated they have checked their back flow preventers but they do not think it is in their system but we think it is. He informed he spoke with them again this afternoon by phone and he needs to discuss somethings further with our Law Director, and the engineers.

Member Letner asked when a cut in valve was removed and a T was put in at Arlington Road and Upper Lewisburg-Salem Road, did we not gain an additional 800 gallons at that source? He asked if that would be an increase at Hydrant 108?

Fire Chief Fletcher informed that is correct but that is is subject to friction loss.

Member Letner stated he was there the day that pipe was cut out and it looked as clean as the day it was installed and he is not buying into the friction loss as far as any corrosion in the pipe.

Fire Chief Fletcher asked where he was talking about?

Member Letner stated when the pipe was cut out for the installation of the Booster Pump.

Fire Chief Fletcher stated even brand new pipe over distance has a friction loss.

Member Letner stated it still doesn't add up and he still thinks our end is good.

Manager Burkholder informed that has been the City's official position this whole time and he sent that in an email to Payless a few weeks ago, which he sent a copy of to Council. He informed today he finally received a response back from that email that they do not believe it is

their problem.

Fire Chief Fletcher informed Payless believes at some point they had 2,500 gallons and wonder if at some point it has fallen off. He stated all he knows is the tests he has been a part of show we do not have water at levels he has been told were there in 2007. He stated there is no documentation from 2007 that show what they actually had. He stated the risk we run is if we market the Industrial Park as a prime location to locate a business, he would be concerned about the amount of water available without the assistance of the Booster Pump. He does not have other concerns with businesses that come in on the upper end, down stream from the Booster Pump. He stated prior to the Booster Pump he would be very hesitant to add anything else to that water line until we know what the true issues is beyond the problems at Payless. He stated the Booster Pump is the insurance that we are able to relay pump water up that line, which no different than what they do with a fire engine when there is a fire, they have to position the pumper specific distances. He stated the only difference is all of this is underground with the exception of the Booster Pump. Chief Fletcher stated in his eyes, the value of the Booster Pump is keeping the Industrial Park viable for additional business should the opportunity arise to add a business there.

Member Letner stated that is his goal also but as he watched the plumbing go in for the Booster Pump and there are gate valves. With the gate valves being as such in the main trunk line that goes into the Booster Pump, then the pump comes on when there is a call for demand. It basically does the recirculation unless someone goes and closes the gate valve. He stated in his opinion there should have been a check valve in the main line. In order to optimize the whole effectiveness of the pump you have to close the gate valve or you get the recirculation. He stated he questions why a gate valve put in and not a check valve?

Member Henry asked isn't that why we hired professionals?

Member Letner stated that is why he is asking if the engineering is wrong now or in the past?

Manager Burkholder stated he does not know if it is necessarily either one and at this point without additional information he does not think it is wise to say its this or that because there are a variety of factors that affect this. He stated if Council would like to continue to lease for a few more months that is fine, he just wanted Council to be aware of the cost. He stated if we are over 3,000 gallons per minute at hydrant 108 which is ours across from Payless that we never achieved that back in 2007 so this problem goes back to at least 2007. He stated Member Letner's question is a good one if we have maximized its capabilities but has it made a difference from what we had without it, and that is absolutely. He informed we are at a level now where we were hoping to be at 3,000 at hydrant 108 and then be able to achieve 2,500 gallons once you were at the fire pump at Payless but it has been tested numerous times and we are only at approximately 2,300 gallons. He informed today, Payless did not want to address the seven issues and go into specifics. He stated he will address the gate valve and check valve with our engineers.

Member Kirklin asked if it would be of any value to have the engineers come in and speak to Council and they could ask questions and maybe put an end to some of the speculation? She stated sometimes seeing some of the data first hand and having an opportunity to interact with the engineers would be helpful as we progress.

Manager Burkholder stated we can have someone from our engineering firm come in and speak, he is not sure if Payless will send one of their engineers.

Member Apgar stated he thinks we should wait on this motion until we hear back from Payless. He suggested holding off until maybe the second Meeting in May and having the engineers present at the first Meeting in May.

Member Kirklin stated she agrees with Member Apgar on holding off on the motion to purchase

but she does see value in moving forward with having the engineers come in to speak to Council Members.

Manager Burkholder stated we will hold off on the motion to purchase and in the meantime he will gather the exact numbers on purchasing the Booster Pump.

Mayor Seagraves had no report.

In Old Business,
Council Rules remain tabled.

Mayor Seagraves stated New Business was covered under Law Director Stephan's Report.

Mayor Seagraves reminded there is a Planning Commission Meeting scheduled for Thursday, April 20.

Dave Monnin, of the Brookville Park Board, informed there was some confusion at the recent Optimist Club's Annual Children's Easter Egg Hunt over some of the fields in the park being chemically treated. He stated basically the fields treated did not actually effect the areas of the Easter Egg Hunt but the signs were not taken down.

Manager Burkholder stated the only possible area could have been Diamonds #6 and #7.

Mr. Monnnin stated there probably wouldn't have been an area for concern if that the signs had been taken down, but that was neglected to be done. He stated there were a few people upset that their children were getting chemically treated eggs but they really weren't.

Manager Burkholder informed he has spoken with Mr. Monnin, Mr. Hoover of the Optimist Club and City employees as to what was done and what should have been done. He stated he still has a few other individuals he plans to interview. He stated the Optimist Club did the right thing with the way they filled out their event form and submitted a map of the areas where the hunt would take place. He stated the areas treated were on Thursday and there is a wait time after the treatment but the City feels there was no public threat because there was an adequate amount of time between the treatment and the Easter Egg Hunt.

Mayor Seagraves stated it probably didn't help that Friday the City Offices were closed due to Good Friday.

Member Kirklin congratulated the Brookville High School Drama Club for putting on a very well done performance of "Take me to Saint Louis." She congratulated the kids and the Drama Club for a very well done show and Awards Ceremony.

Mayor Seagraves welcomed members in the audience. He stated if anyone would like to speak to please identify themselves with their name and address.

Bruce Garber, of 434 Sycamore Street, asked Finance Director Keaton if in her report were she mentioned \$100,000 or more received above and beyond the 1.75% income tax, did she mean to say 2%?

Finance Director Keaton stated it is up compared to the old rate of 1.75%.

Mr. Garber stated he has seen campaign signs around town that read "Vote No Income Tax, Issue 3". He stated unlike the current City Manager will admit, the credit reduction is in fact a 1% income tax increase and the signs are intentionally misleading and meant to confuse voters which is typical of the unethical, we don't care what residents think because we know better attitude of the majority on Council. He stated the campaign signs are even posted illegally on City property and not in the right-of-way. He stated this proves that Council Members are behind these false

misleading signs and not a legitimate citizens's group with legitimate concerns.

Mr. Garber asked why a tree was removed from from the house of Jenny Vance?

Manager Burkholder stated the tree was a public safety issue in the right-of-way and the tree was removed under his direction.

Mr. Garber asked if the tree being removed had nothing to do with her being on Park Board?

Manager Burkholder stated absolutely not, the tree was a public safety issue. He stated we do have a right to trim limbs or take care of a tree that could fall into the street.

Mr. Garber asked if there is a dead tree on someone's property then they call the City and have it removed for free?

Manager Burkholder stated that is not correct and he knows it. He stated if the tree had fallen and injured somebody or hit a car then there would have been an outcry that the City Manager didn't see the threat.

Mr. Garber stated a long time ago he complained about a tree on Wolf Creek, past the church that was hanging out into the right-of-way and nothing was ever done, he asked why nothing was done.

Manager Burkholder informed him to let him know of the details of the tree and he will have it looked at.

Mr. Garber stated it should be the property owner's responsibility to remove dead trees. He stated he wants to be on Park Board if having dead trees removed from your property is part of the deal. He thinks it is favoritism and unethical and just another example of what Council is doing. He stated the tree was not that big and the property owner could have easily removed it on their own.

Manager Burkholder stated he stands behind his decision and that is what he is paid to do if he sees something that could cause harm.

Mr. Garber asked if he goes around and lists all of the dead trees in right-of-ways then will they be removed.

Manager Burkholder stated he should bring a list in then.

Mr. Garber stated he is on it.

Mr. Garber asked why City Staff is working overtime cutting grass and why doesn't the City hire somebody like retirees and pay them a decent wage of \$10 instead of paying overtime rates?

Manager Burkholder stated it wouldn't be the first time the City has had high priced grass mowing.

Mayor Seagraves stated when Mr. Garber was on Council he had no problem with the former City Manager mowing grass all of the time.

Eric Hummel, of 232 Maple Street, stated he read in the paper that Payless is filing Chapter 11 bankruptcy and will be closing and relocating some of their stores. He asked if any other businesses in the Industrial Park that were developed after Payless are having similar water issues?

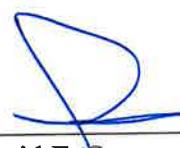
Chief Fletcher informed B Concrete and Provimi both came in after Payless but are very small

water users. He informed plenty of water makes it into Payless for day to day activities but it is when the fire pump is fired up and they try to run it at 150% of it's rated capacity, which is a test threshold and that is when not enough water makes it in.

Motion by Duncan, second by Apgar to adjourn. All yeas, motion carried.



Meghan Wheeler, Clerk



David E. Seagraves, Mayor