

Brookville City Council  
Regular Meeting  
December 5, 2017

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on December 5, 2017 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Henry, Kirklin and Letner; City Manager Burkholder, Finance Director Keaton, Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan and Clerk Wheeler were present.

Roll Call by Clerk Wheeler.

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

Motion by Apgar, second by Henry to approve the Regular Council Meeting Minutes of November 21, 2017.

Motion by Apgar, second by Cantrell to enter into Executive Session per ORC 121.22 (G)(1) to consider compensation of public employees of the City. All yeas, motion carried.

Manager Burkholder requested the Department Heads join in the Executive Session.

Member Duncan requested the three Council-elects join in Executive Session.

Mayor Seagraves stated the Council-elects have not been sworn in yet.

Member Duncan stated the Charter states Council can invite others into Executive Session.

Law Director Stephan advised Council can invite third parties into Executive Session for purposes of discussion if it is relevant. He stated the new Council Members coming on, have no legal authority to make any decisions but if Council wanted to invite them in as an interested third party, they could.

Manager Burkholder asked if they would be bound by confidentiality?

Law Director Stephan stated they would need to be bound by confidentiality and that would be the issue with them not being under oath or officially part of this Board at this point.

Mayor Seagraves suggested they be sworn in to confidentiality.

Law Director Stephan stated they cannot be sworn in until January, we can only direct or ask them to comply.

Burkholder stated for the sake of the Department Heads and the confidentiality of personnel which is legally protected under the Ohio Revised Code, is his concern and the confidentiality of the discussions, which Council Members are bound by.

Member Letner stated the Council-elects are only one Meeting away from being sworn in, he does not have any problem with it.

Mayor Seagraves asked the Council-elects on their thoughts.

Curt Schreier, Council-Elect, stated he would feel more comfortable waiting until after he was sworn in January 2nd.

Kim Wilder, Council-Elect, stated she does not know how she could be less trusted now than in two weeks.

Mayor Seagraves stated it isn't that, it's just the internal ongoing discussion that is not public yet.

James Zimmerlin, Council-Elect, stated he has no problem with it.

Mr. Schreier stated he does not have a problem with it either but if there is proper protocol that needs to be followed first.

Member Apgar stated he thinks they should be sworn in.

Member Kirklin agreed. She stated she would feel better if after January once they are sworn in, they participate. She stated for clarity purposes, this has nothing to do with not trusting someone today or in two weeks but being bound by certain specific expectations that they cannot get around.

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

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

Manager Burkholder reported a Fire House update. He informed he attended the Construction Update Meeting. Limited masonry work to be completed. Windows and overhead doors are in the process of installation. He stated there is a Spectrum and Frontier Coordination Meeting scheduled for this week. He reported the facility generator is scheduled for installation this week, and the security and location solutions are in process.

Manager Burkholder stated he is happy to answer any questions on anything in his Report tonight.

Manager Burkholder informed he recently presented a potential capstone project to the MPA class at Wright State University. He informed if accepted, the MPA student would research and compose a City park system inventory including a 5-year capital improvement plan.

Manager Burkholder reported he invited the Council-Elect Members to meet with the City Manager and Mayor to help ensure a smooth transition.

Manager Burkholder reported Coffee and Conversation with the City Manager is scheduled for this Friday, December 8, at 8:30 a.m. at the Leiber Center in Golden Gate Park. This is a new roundtable event which will provide both residents and businesses the opportunity to meet with the City Manager and available department heads in an informal setting to ask questions and express their thoughts regarding the community. This will be an ongoing monthly event with varying times and locations.

Manager Burkholder reported the Draft 2018 Budget presented to Council with operation and capital budgets presented by each department head. Copies were distributed to Council and Council-Elect members. He informed future infrastructure needs were identified and within the next 25 years, 29 % of the City's water lines will have exceeded their useful life. He stated this is a major issue facing the City.

Manager Burkholder thanked the Brookville Park Board for all of their hard work on the Christmas in the Park Event. He stated the Event seemed very well attended.

Mayor Seagraves stated the Christmas in the Park event was fantastic. He stated the Chamber's tree lighting was also great, the weather was nice and hats off to Chamber of Commerce on their event.

Finance Director Keaton presented the November 30, 2017 Fund Balance.

Member Duncan asked if we are competitive with motel tax with other communities?

Finance Director Keaton stated yes, everyone charges 3%.

Motion by Cantrell, second by Kirklin to approve the November 30, 2017 Fund Balance as presented. All yeas, motion carried.

Fire Chief Fletcher presented the November Operations Report.

Fire Chief Fletcher informed at the end of 2016 the Police and Fire Departments acquired new radios. He informed they have maintained the radios that were replaced, and they still have the ability to be utilized off the system. He explained the reason he kept the old radios was for utilization with the CERT Team and Chief Jerome kept his for similar reasons as well. He stated now that a year has passed, neither himself nor Chief Jerome foresee a future use for the old radios and would like to surplus. He informed the Lewisburg Fire Department is interested in acquiring their old radios. He requested Council authorization to move forward with discussions with the Lewisburg Fire Department on a few different packages that have been put together for the surplus of the old radios, batteries, chargers etc. He informed a benefit of doing this would be because we do communicate with Lewisburg on a regular basis and they don't currently have the ability to communicate back with us. He stated Lewisburg understands that it will cost them a little bit of money to put into the older radios and that they run a risk by using older radios near the end of the life span but they would not be carrying the radios everyday, every shift as we do. They would only be using them to communicate with us on an as-needed basis. Fire Chief Fletcher requested Council approval to allow the City Manager to move forward with the process of surplussing the used radios and selling them.

Motion by Cantrell, second by Apgar to authorize the City Manager to surplus and sell the old Fire and Police radios. All yeas, motion carried.

Police Chief Jerome reported the Brookville Police Department handled 700 Reportable Incidents year-to-date, compared to 623 during this same time last year. Chief Jerome reported Citations were up a total of 71 Citations year-to-date, for a total of 471 Citations issued year-to-date. He reported 177 Traffic Stops year-to-date.

Police Chief Jerome reported a very busy year. He informed he has hired two full-time Officers to replace people and one part-time Officer. He stated he continues to build and maintain his Staff. Chief Jerome informed his Department has accomplished a lot of goals this year. He stated he feels they have accomplished more in 2017 with technological upgrades than probably ever in the history of the Department. He stated his Staff has gotten a lot done and he is very proud of them.

Police Chief Jerome presented the Overdose Report for the week of November 27, 2017. He informed November 2017, had the lowest recorded drug overdoses year to date and to date we have had 23. He stated the Opioid Crisis has reached the level of a national epidemic.

Police Chief Jerome informed in January, his Department will be giving an Opiod Presentation at the high school with the student body. He stated these types of presentations are very important in reaching out to our youth and to help spread awareness. Chief Jerome stated the numbers are down, but in reality people are just switching their drugs of choice, it's not decreased dependence just the switching of choice drugs.

Police Chief Jerome informed they have had some very successful events recently with the Christmas tree lighting and the Rotary Club's breakfast with Santa. He informed the Police Department is wrapping up the Toys for Tots Program and the adopting of families for Christmas. He stated there are approximately 20 families being adopted this season by our generous businesses and residents.

Law Director Stephan had no report.

Mayor Seagraves thanked the City Manager and Staff for their presentations at the recent Budget Work Session. He stated he looks forward to the upcoming 2018 year.

Mayor Seagraves stated it was discussed at the recent Budget Work Session that there are some complications with some of our utility lines that have not been addressed over the years. He stated this next year, Council will be taxed with how to handle these issues. He suggested a future Work Session after the New Year on the undertaking of repairing some of the utility lines that need replaced.

In Old Business,

Motion by Apgar, second by Cantrell to read proposed Resolution No. 17-39. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the third reading of proposed Resolution No. 17-39 entitled, "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME HOURLY CITY EMPLOYEES." All yeas, motion carried.

Motion by Cantrell, second by Kirklin to read proposed Resolution No. 17-40. All yeas, motion carried.

Motion by Apgar, second by Kirklin to accept the third reading of proposed Resolution No. 17-40 entitled, "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR SEASONAL AND/OR TEMPORARY, PERMANENT PART-TIME, CONSTRUCTION INSPECTOR AND PART-TIME DEPUTY CLERK I HOURLY CITY EMPLOYEES." All yeas, motion carried.

Motion by Kirklin, second by Henry to read proposed Resolution No. 17-41. All yeas, motion carried.

Motion by Apgar, second by Kirklin to accept the third reading of Resolution No. 17-41 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CLERK OF COUNCIL." All yeas, motion carried.

Motion by Apgar, second by Cantrell to read proposed Ordinance No. 2017-12. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the third reading of proposed Ordinance No. 2017-12 entitled, "AN ORDINANCE ESTABLISHING THE MARKET STREET LIGHTING DISTRICT." All yeas, motion carried.

Motion by Apgar, second by Cantrell to read proposed Resolution No. 17-42. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the second reading of proposed Resolution No. 17-42. All yeas, motion carried.

In New Business,

Motion by Apgar, second by Henry to read proposed Resolution Nos. 17-45; 17-46; 17-47; 17-48 and 17-49. All yeas, motion carried.

Member Duncan asked if these rates reflect a 5% rate increase?

Mayor Seagraves informed all these Resolutions will reflect the 3% increase that all employees received plus an additional 2% for the Management Staff.

Motion by Apgar, second by Cantrell to accept the first reading of proposed Resolution No. 17-45 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CITY MANAGER." Resolution No. 17-46 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FINANCE." Resolution No. 17-47 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FIRE." Resolution No. 17-48 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF POLICE." Resolution No. 17-49 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF LAW." Motion carried with 5 yeas and 2 nays. Members Duncan and Letner voted no.

Motion by Kirklin, second by Henry to read proposed Resolution No. 17-50. All yeas, motion carried.

Finance Director Keaton requested Council dispense with the second and third readings of proposed Resolution No. 17-50.

Motion by Cantrell, second by Kirklin to accept the first reading, dispense with the second and third readings and adopt Resolution No. 17-50 entitled, "A RESOLUTION AMENDING THE 2017 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW." All yeas, motion carried.

Motion by Apgar, second by Kirklin to read proposed Resolution No. 17-51. All yeas, motion carried.

Motion by Duncan, second by Kirklin to accept the first reading of proposed Resolution No. 17-51 entitled, "A RESOLUTION TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF BROOKVILLE, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018." All yeas, motion carried.

Motion by Kirklin, second by Henry to read proposed Ordinance No. 2017-15. All yeas, motion carried.

Finance Director Keaton advised these rate changes were discussed at the recent Budget Work Session. She informed our tap-in rates have not been adjusted since 2005. She provided Members with a Water Fund breakdown and how the individual components of the Water Fund actually break down. She informed the City of Dayton, which is where we get our water from, had a water rate increase in 2017 and will have another 1.4% increase in 2018. She informed our water rates were last increased in 2015. She informed the City of Dayton also implemented a Wellfield Charge in the early 2000's to help protect Dayton's drinking water. She explained when that fee first began, the fee was \$0.50 per one thousand cubic feet of consumption, then it left for a period of years and then came back at \$0.60 per one thousand cubic feet of consumption, and now it is \$1.00 per one thousand cubic feet of consumption. She stated that is a fee, the City has continued to pay over the years. Finance Director Keaton informed the proposed Ordinance would also change the shut off fee from \$25 to \$35.

Member Cantrell stated she has heard of a city in our near vicinity that has been charging residents a stormwater fee.

Manager Burkholder explained there are a number of communities that are charging residents a stormwater fee. He suggested considering the fee as well. He stated the City of Union has been doing it for a few years. He informed Piqua has also been doing it and the City of Fairborn is looking to implement it also. He stated it would be a dedicated fund to deal with stormwater. He recommended having the legislation to set up a Stormwater Fund be prepared for Council to review and move forward with in the future. He stated these investments are what is needed to be made. He stated needed capital improvements should be rolled into the water and sewer fees and be a part of the calculations. He stated as Finance Director Keaton indicated in 2015, the City was paying more to the City of Dayton because we still hadn't raised our rates and were actually losing money every month on the water. He stated that is why in December of 2015, Staff brought a rate increase to City Council, which they passed, in order to help close the deficit. He stated this is a widespread problem that a lot of cities are facing with much needed infrastructure repairs. He stated this is one of the reasons the Ohio EPA is now requiring an Asset Management Program because they are afraid of mass failure.

Manager Burkholder informed in 1991 a study was done for the City of Brookville that estimated \$1,000,000 to have lines fixed that needed repaired. He stated some have been fixed, but probably not enough. He reported in the recent Water Study, 29% will need repaired in the next 25 years. He stated now is the time to be planning for these types of improvements and over the next 25 years. He stated the City has to have working capital and match money when applying for grants. He reminded the debt we are paying on today for the WWTP Phase 1, is a loan for the next 18 years and we are not done with improvements that are needed at the WWTP. He informed we have already applied for possible grants to help with the improvements needed. He informed part of the upcoming improvements will include a sludge press building so that we can press sludge all year round. He informed we just renewed our discharge permit and will have to deal with the new phosphorous limits, we have influent infiltration, which could affect those phosphorous levels. He stated a proper rate structure must be in place to help with all of these items. Manager Burkholder stated he know this is a lot of information but does not want to downplay the importance of addressing capital improvement and infrastructure issues.

Member Duncan asked if the 15% rate increase, will any go towards capital improvements?

Manager Burkholder stated some of the increase will go toward capital improvements, but the exact percentage is still to be determined.

Motion by Cantrell, second by Kirklin to accept the first reading of proposed Ordinance No. 2017-15. All yeas, motion carried.

Motion by Apgar, second by Cantrell to read proposed Ordinance No. 2017-16. All yeas, motion carried.

Finance Director Keaton provided Council Members with a Sewer Fund spreadsheet that explained Revenue, Expenses, Sewer Sales and Sewer Tap Permits from 2007 to 2017.

Motion by Cantrell, second by Kirklin to accept the first reading of proposed Ordinance No. 2017-16. All yeas, motion carried.

Motion by Apgar, second by Kirklin to read proposed Ordinance No. 2017-17. All yeas, motion carried.

Finance Director Keaton provided Council Members with a Refuse Fund Spreadsheet. She stated had the City decided not to move to Rumple, then the rate increases would have been much greater.

Member Duncan stated he thought the switch to Rumpke would only increase the trash rate by a few dollars to residents.

Finance Director Keaton explained the increase when broken down is \$1.75 per month for residents.

Manager Burkholder informed it was discussed at past Council Meetings the rate would increase slightly by switching to Rumpke and that there would also be some additional administrative fees to cover the costs of the front office to continue to handle the billing. He stated it would have cost even more to have Rumpke do the billing. He stated from a customer service standpoint, it was thought residents would prefer to continue to work with our Front Office Staff, especially if there were any sort of problem. He informed after the first of the year, the grass clipping cart in front of the Service Department will no longer be there. He stated since grass clippings will be allowed to be placed directly in trash cans for Rumpke to pick up, the cart will no longer be needed at the Service Department. He informed there will be signs placed to let residents know the signs are no longer there. He described it has been witnessed, people dropping off large amounts of commercial grass clippings, which then in turn get disposed of at the cost of the City. He stated this will help to rectify that problem and Rumpke has stated the grass clippings in the trash cans can actually help with the biology of a landfill.

Mayor Seagraves reminded everyone that the three service workers that used to be on the trash truck will not be fired, but will be used full-time in other areas of the Service Department.

Manager Burkholder stated that he has mentioned it before, but all three workers are actually excited to get off the trash truck and get to be used in other areas of the Service Department.

Member Cantrell stated she has seen rumors circulating on Social Media about the Service Department employees being fired.

Manager Burkholder stated there is constantly false information being circulated to the detriment of the community. He informed one Service employee has told him, he has been asked about 15 times about people getting fired, which really makes for a sad commentary because it is not fair to the three valued workers who will retain their employment with the City. He asked if people think that anyone would like to see those types of rumors spread on Facebook? He stated it is just not fair to the Service Department employees for people to be circulating lies. Manager Burkholder stated if anyone has any questions or concerns they should speak with himself or a Council Member before taking to Facebook.

Motion by Apgar, second by Cantrell to accept the first reading of proposed Ordinance No. 2017-17. All yeas, motion carried.

Motion by Kirklin, second by Apgar to modify the City Manager's Agreement. Motion carried with 5 yeas, and 2 nays. Members Duncan and Letner voted no.

Member Duncan stated he thinks the citizens and Council-elects should be told what the modifications will be.

Mayor Seagraves informed the modifications will extend the City Manager's contract for another two years, will include an increase in a severance package from four to six months and include an additional 20 hours of vacation time.

Bonnie Cordes, of the Brookville Park Board, reported the Christmas in the Park event was very successful. She informed they estimated over 360 people in attendance, which they feel was great for their first time hosting an event like this. She informed 126 kids sat on Santa's lap and the carriage rides always had a continuous line. She informed three trees were donated and one was borrowed from the Community Theatre. She stated in order to do this Event, Park Board had to go out and get donations and volunteers. She informed new Christmas lights were

purchased with grant money received from Wal-Mart. She informed they received many positive comments from the community during the event. Ms. Cordes thanked the schools, residents, businesses, entertainment, City Staff, those who made cookies, the Park Caretakers, the Chamber of Commerce, all who donated lights and other items, Mayor Seagraves, Emily Dillon from Sam's club, and all who donated or volunteered, for helping to make this event successful. She stated Park Board really appreciate everyone's support and help.

Mayor Seagraves welcomed members of 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, stated water pipes do not fail all at once and not everything is an emergency as it has been presented. He stated he knows Park Board is considering placing a levy on the ballot for 2 mils.

Bonnie Cordes, of the Brookville Park Board, stated that is not true. She informed Park Board has only simply been discussing the idea of a levy.

Mr. Garber stated his point is money here, money there. He asked if anyone has considered what these increases mean to the residents? He asked what burden do these additional costs have on residents and what can they not do because they have to pay the City extra money? He asked if the Department Heads are getting a 5% raise? He asked how an extra 2% is justified?

Mayor Seagraves informed the Department Heads are getting an additional 2% this year.

Mr. Garber stated the Department Heads getting extra does not show their employees anything or lead by example. He stated there is no reason the City needs a new water tower, the existing one if fine, maybe new pipes underground, but not a tower. He stated you can see Payless from the existing water tower, they aren't far from each other. He stated there are too many expenses paid to engineers, it seems more has recently been paid to engineers than in years past. He stated the old City Manager never used engineers.

Mayor Seagraves stated that is part of the problem.

Kim Cheatham, of 565 Adrian Court, stated she wanted to clarify a statement that was made at the November 21, 2017 Council Meeting by a Council Member stating she does not pay City Income Tax. She stated she is a resident of Brookville, Ohio and pays Property Taxes. She stated she works in the City of Dayton and pays Dayton City taxes but she also works for the Rhona Village Home Owner Association, which is located in Brookville, Ohio and therefore she does pay City Tax directly to the City of Brookville. She asked that moving forward before those types of comments are made to the citizens, since it is the citizens that Council is to work for, that everyone make sure they have their facts and information correct. She stated the comments made at the last Meeting at Adjournment were not fair comments and she does pay her City taxes and she files them through the City of Vandalia just like every other Brookville resident.

Mayor Seagraves thanked everyone for coming.

Motion by Kirklin, second by Apgar to go into Executive Session per ORC 121.22 (G)(2) to consider the sale of public property. All yeas, motion carried.

Law Director Stephan stated he sees no action being taken during the Executive Session.

Mayor Seagraves called Council back into Regular Session.

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



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Meghan Wheeler, Clerk



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David E. Seagraves, Mayor