

Brookville City Council  
Regular Meeting  
February 7, 2017

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

Mayor Seagraves reminded Council Meetings are recorded sessions and if anyone needs to talk, please remove yourself.

Roll Call by Clerk Wheeler.

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

Motion by Apgar, second by Kirklin to approve the Special Council Meeting Minutes of January 12, 2017; the Regular Council Meeting Minutes of January 17, 2017; the Special Council Meeting Minutes of January 18, 2017 and the Special Council Meeting Minutes of February 1, 2017. All yeas, motion carried.

Julie Smith, of the Brookville Band Associates, requested Council approval to hold the 3rd Annual 5K Picnic Run held in July, the weekend of the Annual Community Picnic. She informed the route will be the same route as the last two years. She stated she was contacted by high school cross country team who is trying to coordinate a summer running program for elementary age kids. She stated they do hope to add a one mile fun run. The Fun Run would begin shortly after the 5K. The bulk of their race will take place in the grassy area back by the ball fields but will start and stop the same area as the 5K.

Police Chief Jerome informed the City has a new event form that will need to be filled out and then meet with Major Tom Simon who will review the route. He stated the band has done a great job in the past.

Motion by Apgar, second by Cantrell to allow the Brookville Band Associates to hold the 5K Picnic Run on Saturday, July 29, 2017 at Golden Gate Park and subject to route approval by Police Chief Jerome. All yeas, motion carried.

Mayor Seagraves informed Council interviewed several applicants last week for the open seats on Planning Commission and the Board of Zoning Appeals.

Motion by Duncan, second by Cantrell to appoint Curt Schreiber and James Bailey to the Planning Commission. All yeas, motion carried.

Motion by Kirklin, second by Henry to appoint Eric Hummel to the Board of Zoning Appeals. All yeas, motion carried.

Mayor Seagraves wished all three new appointees the best of luck and thanked them for volunteering and committing to work with these Boards. He introduced Mr. Schreier and Mr. Hummel who were in the audience.

Manager Burkholder presented a Power Point Presentation on a Financial Health Report from the State Auditor's Office. He provided a copy to Members of City Council.

Manager Burkholder reported Staff is reviewing a lot of projects right now and are moving forward with IT, finalizing the design of the new Fire Station and will be requesting tonight Council's approval on the extension of Market Street.

Mayor Seagraves thanked Manager Burkholder for his presentation.

Member Cantrell asked if a copy of the Auditor's Health Report can be found online?

Manager Burkholder informed yes, and if someone types in Brookville or Montgomery County it will show all the cities in Montgomery County that have reported and that the formula has been applied. He stated you can even compare Brookville to other cities.

Finance Director Keaton presented the Fund Balance as of January 31, 2017.

Member Cantrell asked if the overall expense number is a difference of \$196,000?

Finance Director Keaton asked where she is looking at?

Member Cantrell stated under the General Fund.

Finance Director Keaton explained the expenditures are up because of the \$170,000 transfer in January. She stated a lot of what is usually done in February each year, was done early in January, which is why the number is up,

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

Finance Director Keaton requested Council approval for the City Wide Garage Sale Map and schedule for June 2017. She provided Council with a map and list of streets.

Motion by Duncan, second by Kirklin to approve the 2017 City Wide Garage Sale Map and schedule. All yeas, motion carried.

Finance Director Keaton informed the City of Vandalia Income Tax Department will once again have representatives at our City Building to assist our resident with the preparation of their local income tax returns, at no charge. She informed the representatives will be here on Friday, March 31 from 8:00 a.m. to 4:30 p.m. and again on Saturday, April 1 from 8:00 a.m. to noon.

Finance Director Keaton informed Park Board has scheduled the Annual Community Park Cleanup Day for Saturday, March 25, 2017 from 10:00 a.m. to noon. She stated the cleanup will take place at Golden Gate, Ward and Westbrook Parks and trash bags and equipment will be provided at Shelter #3 in Golden Gate Park. She informed after the cleanup, hotdogs and refreshments will be served at Shelter #3.

Finance Director Keaton reported the centralized collection of municipal income tax is included in Governor Katich's FY2018-2019 Ohio Budget. She has recently sent Council emails received from the Ohio Municipal League (OML). She informed there was a big push for centralized collection in 2014, as part of House Bill 5, but it was removed due to the opposition of the municipalities and the Ohio General Assembly. Finance Director Keaton stated it would be very detrimental if this moves forward and we have to go to a centralized collection point. She provided Council with a Resolution and letter from the Ohio Municipal League's website. She stated it would be her recommendation to move forward and prepare a Resolution for the next Council Meeting and be able to send to our State Legislatures as well as send letters to our Ohio Representatives and Senate Leaders.

Member Cantrell stated she thinks Council should send letters. She stated the State is suggesting we do this but then they will charge us 1%.

Finance Director Keaton advised there will be a 1% collection fee charged but there will not be any control once all of the business have to file their net profit returns in one location because they are struggling now with the Ohio Business Gateway and have been ever since implemented.

Member Cantrell stated it will cost us money if they move forward with centralized collection.

Finance Director Keaton informed she has a copy of the Resolution Council adopted back in 2014 where we opposed the passage of the amended substitute House Bill 5. She stated she did some research and this included the centralized collection, so they are back at it again.

Manager Burkholder informed managers across the state are against the centralized collection. Not only the cost but the gateway has been cumbersome. He stated there has been talk that 30 million dollars would need to be invested in order to upgrade the Ohio Business Gateway. He is unsure to date if any commitment has been made from the State of Ohio. He stated centralized collection is the loss of local control and we have no idea how long it will take for the funds to flow back to the local municipalities. The OML is opposed and have suggested we submit a Resolution as mentioned by Finance Director Keaton.

Mayor Seagraves agreed we should do this. He informed he and Manager Burkholder met about two weeks with our State Representative and voiced their opinions. He reminded of how hard it was to collect income tax many years ago when we had to go through the City of Dayton. He stated he can't imagine how difficult it would be for the cities to try and collect from the State.

Finance Director Keaton stated if the general consensus is to move forward then she will have it prepared for the next Council Meeting.

Council Members agreed for Finance Director Keaton to move forward with preparing a Resolution for the next Council Meeting.

Member Cantrell asked if our taxes our down from January?

Finance Director Keaton reported they were down because of the new income tax Ordinance put into place last year. She informed basically the due dates have now changed, which is why our December revenues were up when we closed out our revenue for December in early January. that was attributed to payments being made in a more time fashion than we expected. She explained that if you compare this January to last January the numbers will be different to the new due dates put into place.

Member Cantrell clarified that we have issued refunds in January for \$3,430.

Finance Director Keaton stated that is correct and a lot of that was due over estimated payments.

Finance Director Keaton informed the .25% rate increase accounted for \$36,316 more funds in January than they did one year ago.

Member Cantrell asked if the Business Net Profits are any kind of indicator?

Finance Director Keaton informed no, it depends on due dates for the business net profits, most were paid in December along with our residents.

Public Service Director Williamson reported the Service Department has spent a lot of time over the past few weeks working on the booster pump station at the West Campus Boulevard Industrial Park. He informed the pump station has been installed. He reported it took a fair amount of work by the Service Department to get prepped for the installation as well as a lot of other details to arrange to make it happen. He stated the station is up and running. Preliminary flow tests have been done that showed a favorable amount of increased flow. He informed the

final pump test is scheduled for next Wednesday with Payless and he feels we should pass their requirements with no difficulty.

Public Service Director Williamson informed crews used 24 tons of salt on January 27, 2017 for snow and ice control. The Service Department have been repairing miscellaneous potholes.

Public Service Director Williamson reported 180 tons of solid waste were collected.

Member Kirklin stated she has had a few phone calls regarding Ward Park. She stated she is not sure the last time Public Service Director Williamson was out to Ward Park but there seems to be a situation that's well beyond what can be handled at the Community Park Cleanup day scheduled. She stated she has some pictures she will share with Service Director Williamson but the park is in deplorable condition. She stated she would also like to discuss with Manager Burkholder a park bench at Ward Park that is rotting. She informed she understands there is a lot going on but this is very important to address.

Member Kirklin stated she spoke previously with Manager Burkholder about building a link to a spreadsheet on the City's website that would have macros and formulas built in to help an individual find out how the items on the ballot would impact them financially. The spreadsheet would allow for people to be able to plug and play in order to find out what the impact would be for them personally. She stated she just wanted to bring it up again to see if it can be done, it sounds easy enough to build out maybe even being able to link it to our website and then we would be able to direct people to it to help them understand and see the direct financial impact it would have on them.

Fire Chief Fletcher presented the 2016 Annual Operations Report. He informed it reflects the busiest call volume in the history of the Fire Department. The call volume is a large number of calls to handle with only a part-time staff, but he has a great staff and really appreciates their hardwork. He informed there was also an increased need for mutual aid, which matched the number of increased calls. He stated the extra need to call for mutual aid was because of the increased call volume and had nothing to do with lack of Staff or broken down equipment. Chief Fletcher explained it was more of an example to have to call for help because of having numerous calls for service in such a short amount of time, we were just out of resources to handle the calls ourselves. He stated normally we are the community helping others when they are in that situation.

Fire Chief Fletcher stated the current situation with opioid abuse is certainly another reason for the significant increase in our call volume. He reported our administration of Narcan doubled from 2015 to 2016. He informed Narcan is a medicine administered only in the severest of cases. The numbers are not completely reflective of the entire problem. He stated there are so many people who are spewing facts and figures of the problem but EMS personnel know from working the front line that the numbers are actually double what is being reported. He stated not everyone is asking the right folks for the information about the true impact of the opioid abuse and not every call that involves opioid abuse requires the administration of Narcan. The administration of Narcan is for the people who are on the verge of dying but yet emergency personnel will run several calls that are the result of opioid abuse that are not required Narcan. He stated to just look at one factor in this problem only scrapes the service, the ongoing abuse of opioids are adding to our call volume and not just our call volume but the call volumes in all the other communities in our region.

Fire Chief Fletcher presented the January 2017 Operations Report. He informed January was another record month and the call volume continues to be up. He informed the Fire Department continues to work to go paperless. He reported that last year all of the EMS reporting went paperless and the next biggest use of paper they have are the daily and weekly checks they have to do of all of their vehicles within the fleet and that is a paperless initiative for 2017. They are getting closer to eliminating paper use and the records maintained in printed form that were very cumbersome and now they are able to maintain those records electronically.

Police Chief Jerome reported the Brookville Police Department handled 68 Reportable Incidents year-to-date, compared to 54 during this same time last year. Police Chief Jerome reported Citations are down a total of 1 Citation year-to-date, for a total of 51 Citations issued year-to-date. There were 116 traffic stops for December compared to 137 during January 2016.

Police Chief Jerome stated he will continue to give Council updates to keep them as informed as possible. He reported the Police Department is starting to track more things for example their activity, and heroin calls. He informed if you watch the news, county wide there is a lot going on and it has been determined that the recent shoot out by the Dayton Mall was drug related. He explained the drugs come from Mexico and get sent to Dayton, which is of the number one hub in the nation, then gets spread to gang members and then the Heroin goes out to the communities. Unfortunately, part of our community is a part of that as well.

Police Chief Jerome stated he wanted to highlight some of the things his Department is doing. He informed we belong to the OVI task force, a county wide task force for OVI to try to curb alcohol related driving. He reported in January we had two OVI's and both involved crashes which is rare, typically you have the OVI's and they don't involve crashes. He stated we had two complicated crashed in January alone, and it is a little concerning to start the year off this way. He reported we also had two overdoses in January and one resulted in a death.

Police Chief Jerome informed he provided Council Members with a packet of information and he will continue to provide to Council reports of overdoses. He explained we provide data to the Montgomery County Intelligence Center and his Department will now be reporting information to them every Monday by noon. He stated we do not want to be the Agency not reporting their overdoses. Chief Jerome stated this has become a very difficult task because the Police Department has to call and check with the Fire Department on calls to track because the bad guys are very smart. He wants the public and Council to be as informed as possible. He described the bad guys will try to trick the Fire Department by calling and reporting someone having trouble breathing so that the Police are not dispatched but then when the Fire Department arrives they quickly realize it is not just someone with troubled breathing but an overdose. He informed that is why it has become difficult tracking where we are going and what resources to send because the bad guys are getting smarter.

Police Chief Jerome stated he always takes the proactive approach towards Law Enforcement and he thinks being reactive is ridiculous. He has said it a million times but you have to build a bridge before you need it and he continues to do that with proactive policing. He stated the reason for that is because we see a lot of signs that say treat, treat, treat and as he has said we cannot treat our way out of this problem but we also can't arrest our way out of it either, there has to be a middle approach. He stated you don't hear much about enforcement. He informed the Sheriff did a big press conference last week and tied the shooting by the Dayton Mall, tied resources and asked for help from local entities, which our Department helped out last Friday. Chief Jerome informed they will be doing a blitz once a month, where they ask for as many Police Officers as they can get to go out and hit target areas. The local officers are sworn in as Deputy Sheriffs for the day and go out and flood certain target areas in order to saturate the area with as many Police Officers as possible to try to curb this problem. As the Sheriff explained in his Press Conference they aren't hitting it hard enough yet because the price of Heroin hasn't gone up, where you will see it is being hit hard enough its when the prices go from \$3.00-\$5.00 a capsule up to \$10.00-\$15.00 a capsule. He stated there is such a supply on the street because it is so readily handy. Chief Jerome informed the problem with that is we want to be proactive but have to make sure we are protecting our City. He stated his City is first and foremost to him, he wants other areas to be safe but our area is number one to him.

Police Chief Jerome stated we need be cautious because as drug costs go up we could see an increase in property break ins, it is a vicious cycle but we have to get control of it. He informed he checked the stock on Narcan to see the value, and it has actually gone down, which to him is very odd. He stated usually when the need goes up the price do too.

Police Chief Jerome informed that as far as we can track, and he has been hard on his Staff to make sure they are really classifying things as they are, so that we can know what our problem really is. He reported there were 26 overdoses handled last year. He stated his and Chief Fletcher's numbers are fairly close, but sometimes the Fire Department gets there first and the Police aren't able to respond due to their own call volume so then they compare data. He stated county wide there were 259 deaths in 2015, 355 deaths in 2016 and so far in January 2017 there were 54 deaths. He stated the Montgomery County Coroner stated on the news recently that the body count is so high they are going to have to start renting space at local hospitals and funeral homes to store the bodies until autopsies can be done.

Police Chief Jerome informed he had heard a person can walk into a local pharmacy and buy Narcan. He looked into pharmacies in Englewood first. He stated you can purchase Narcan without a prescription at Wal-Greens, Rite-Aid, Kroger, and at Meijer you can buy two cans for \$42. He stated the Brookville Rite-Aid will begin selling it without a prescription soon. He went into Rite-Aid in Brookville in uniform last week to see if they would sell it to him. He informed Clark's Pharmacy in town will not be selling it. If you can buy the drug that reverses the strong doses on the street that is what is being done. He described an instance that recently happened in Englewood at Burger King they brought a girl back with Narcan and sent her to the hospital, she got better and then went to Union, overdosed again and died at 2:00 a.m. So she overdosed twice in about a twelve hour time frame. He stated that story is a prime example of what Police and Fire Personnel are dealing with, they are working their butts off. He stated their crews may be short staffed but they are doing a great job and he is very proud of them. Chief Jerome stated he gets a lot of comments from people that say they saw Police cars shooting towards the highway or going at a quick rate of speed. He informed the reason for this is because a lot of times these days as soon as the Police turn on their lights the bad guys are taking off because they have drugs in the car and they aren't stopping for any Police county wide and unless it is a violent felon they cannot chase them, which is becoming another rising concern for all agencies.

Police Chief Jerome informed DTN just did a story, which is was disappointed to see, that per capita, Dayton has a higher crime rate than the City of Chicago. He stated Dayton is 20 minutes away from our jurisdiction. He informed the Dayton Daily News did an article on the safest Cities in Ohio and we ranked 50 of 223, which isn't horrible, he would like to be in the top 20-30 though. He informed other numbers included Clayton at 53, Vandalia at 114, Huber Heights at 153, Englewood at 155, Dayton 216, and Springfield 219. He stated there are a lot of articles out because a lot of news organizations are checking out crime rates, statistics and Narcan usage. He informed the Coroner's Office will also be reporting more on deaths and things of that nature.

Police Chief Jerome informed we do constantly contact our State Representatives. His current frustration is with House Bill 110 which gives immunity to the first two times someone requests help while under an overdose. He was shocked to find out the two major police organization's in Ohio didn't oppose this with their local legislators. He also found out that House Bill 64, which is on page 2483, does not reimburse the same amount for full-time and part-time officers. He informed he called and spoke with OPATA (Ohio Peace Officer Training Academy) who sets up how much training they do and then each year they set up in-service training on how many hours per year officers need to be trained on above the normal range sessions. This year the number is at 20 so every officer in Ohio has to go through 20 hours of in service training. He informed they do reimburse us a little bit per officer but it can be a strain especially if the requirement goes up to 40 hours as he thinks it will next year. He was very disappointed to learn that for the first 50 officers you have, they will reimburse a certain rate for all twenty of the hours for full-time officers but for part-time officers, which we highly count on, we will only be reimbursed for 11 of the 20 hours. He stated it seems like the legislators are basically saying that part-time officers do not hold the same value as a full-time officer and that is ridiculous, it makes no sense to reimburse at two different rates. He informed he had a part-time officer who has worked his butt off for 15 years and was working hard on a day in October and took a bullet at a part-time rate and is likely never coming back to work and to reimburse him for any less because he doesn't work full-time hours is just ridiculous.

Police Chief Jerome stated as a quick overview, he gives the reports from the Intelligence Center to keep everyone informed and in January so far the number of overdoes for Montgomery County is estimated at 371, however there are still several jurisdictions not reporting for some reason and as of two days ago there were 101 overdoses already for February. He stated these numbers are not even really close if all agencies aren't reporting.

Police Chief Jerome informed if anyone heard a lot of sirens last Sunday night, Superbowl Sunday, we had an officer working with the OVI task force, which we get reimbursed for, follow someone. The Officer found the guy near Westbrook and Western and followed him out to Brookville-Johnsville, and the guy gets out of his car and runs so the officer gets into the foot chase and several other officers show up to help. The guy ran up to houses and began knocking on doors and trying to aggressively get into houses or convince people to let him in. He was finally taken into custody near Rock Street and was found to have three felony warrants and was definitely not from our area. Chief Jerome stated the guy told Police he took a wrong turn when leaving the Wal-Mart on Hoke Road. He informed it was a good thing we had an extra officer out that night getting paid for by the State. He stated unfortunately, Centerville had a police involved shooting on Thursday and Englewood had one on Sunday and they seem to be becoming more frequent.

Police Chief Jerome informed Steve Whitaker, one of our part-time officers, has come to the point where he cannot do Law Enforcement anymore, as far as carry a gun and work the road. We would like to retain him as a part-time officer to continue to be our Crime Prevention Officer and Community Relations Coordinator. He informed we can do that under our state part-time status for him. Chief Jerome stated everyone should know the benefit our City has received from having Steve Whitaker and he will still remain our Chaplain. He stated Steve Whitaker will assume a civilian role within the next two weeks but yet still do a lot of the same things he has done as a Police Officer, we will retain him and get great use of Steve. Chief Jerome stated he had mentioned in the past that there may be a possibility that Steve Whitaker may have to step down as a Police Officer and wanted to keep Council informed that this is happening.

Member Cantrell clarified he is still staying though because he is very valuable?

Police Chief Jerome stated yes, he will be staying on board. The job description will be exactly what he did before, he has done a great job and has been a great liaison between the community, the churches, the business owners and the community relations events they do. He will remain an active part of the agency.

Member Kirklin asked if we track the doses of Narcan administered?

Fire Chief Fletcher stated yes.

Member Kirklin asked how many were administered in 2016?

Fire Chief Fletcher stated about 28.

Member Kirklin stated then we had 26 overdoses and 28 administrations of Narcan?

Fire Chief Fletcher explained they cover different square mileage and a little different boundary lines between the Police and Fire Departments. The Departments will be very close but the Fire Department has some overdoses in the Township areas they cover.

Member Kirklin stated she was asking the question only for the purpose of seeing how close we are, but it sounds like we are very close.

Fire Chief Fletcher informed whatever number you hear in the news media for the Miami Valley for a total of overdoses, you need to double the number in reality due to agencies not reporting.

He informed there is an elected official in Montgomery County who has taken the lead and wants to be the contact person for help, but that person has never contacted the local Fire Chiefs to obtain their data. He stated if you don't ask both Fire and Police departments you aren't getting an accurate number.

Member Kirklin stated she wanted to see how the numbers aligned not just for Montgomery County but for here in Brookville and it sounds like the two statistics are running fairly close together.

Fire Chief Fletcher stated knowing what we know about other communities we are absolutely not the community that is the epicenter of the problem but we are definitely not the place that is the exception where we don't have any problems but everyone else does.

Member Kirklin stated we have to know our data is accurate.

Fire Chief Fletcher informed we know that our data is accurate with regards to what we are dealing with but how that compares to other communities is where the gray starts because what if they count their stuff differently then we do, so to compare our numbers to other numbers published numbers can be a bit misleading.

Police Chief Jerome informed the Police Department did receive five in car printers free from the state. We now have in car printers including the brackets and the power sources, they are just working on getting them installed. The printers will speed up the time on traffic stops and accidents. This saved us from spending the money that we had budgeted in 2016 for approximately \$5,000 on the printers. He informed his Department is also getting new software from the state soon so that when a license is swiped after an accident the information will automatically be put into the accident report and citation. He explained they already have the capability to swipe a driver's license and it will automatically run the license. These type of things help to speed up the process during accidents.

Mayor Seagraves reminded Coffee with a Cop is tomorrow morning at 7:30 a.m.

Police Chief Jerome yes 7:30 a.m. at Brookhaven and the Council and the public is welcome. He informed he is trying to plan another one in the future also, maybe at Hipster's Coffee Shop. He stated tomorrow will be a great opportunity to talk with the residents at Brookhaven.

\*Law Director Stephan advised on August 16, 2016, City Council approved Ordinance 2016-09 which imposed a six month moratorium on the issuance of any zoning permits for any of the uses permitted under the medical marijuana law adopted by the State of Ohio. Upon recommendation of Planning Commission, Ordinance 2017-04 is before City Council tonight to extend the moratorium for an additional six months. He requested that City Council dispense with the second and third reading of Ordinance 2017-04 to have this extension of the moratorium go into effect thirty days after passage tonight.

Law Director Stephan provided to City Council a memorandum to Planning Commission dated January 19, 2017 which provides a proposed schedule for action by Planning Commission and City Council on this matter. He also forwarded a summary of the law and drafts of the current proposed rules that are being developed by the Ohio Medical Marijuana Control Program to Council Members.

Mayor Seagraves asked if the state will have something in August?

Law Director Stephan informed the rule making is to be completed by September. He informed that by September 8, 2017 all rules are to be completed and adopted. He is hoping in the next few months we can start our zoning process to determine what we are going to do as a community. He advised as a community we are permitted under the law that was adopted by the Ohio General Assembly, to completely ban any or all of these categories under the Ohio Medical

Marijuana Law. He stated we are allowed to completely ban cultivators, processors and retail dispensaries under the law. He informed we can also limit the number and choose which zoning district they can be located in. He informed he is looking to discuss this at the next Planning Commission meeting and then would come back to City Council a joint Public Hearing would be held. He stated we will have to make a decision in the next few months.

Member Cantrell asked if we should adopt our rules and then have a Public Hearing or have a Public Hearing and then adopt rules?

Law Director Stephan informed we need to make a decision from a zoning perspective of are we going to allow these various categories in the community and if we are going to allow them then we can choose the numbers and which zoning categories or districts it will be permitted in. For example, it could be permitted only in Highway Service or only in General Business. He informed that needs to be done for each category.

Member Cantrell asked if we have Public Hearings to get input from the community?

Law Director Stephan advised we will have Public Hearings. He stated under our zoning process there needs to be a proposed Ordinance and then there is a Public Hearing, and that makes it a little more difficult because we have to make some initial decision on a proposed Ordinance. He stated we could have an Ordinance that would ban all three categories and then hold a Public Hearing and have public comments and then make a final decision and may modify the proposed Ordinance. He stated it is difficult with the rule making that is still going on and then under our process there has to be some initial ordinance presented to Council to start the Public Hearing process. He informed we could have an informal process where we took public comments on the website but if we follow our normal process then we have to have an Ordinance to propose, then have the Public Hearing to listen to public comments. this is a process we must start and we need to hear public comments.

Member Cantrell asked if there are any communities that have already established their rules?

Law Director Stephan informed some have made decisions or are making them now. He read in the Dayton Daily News that Oakwood has recently decided to ban everything. He thinks some communities in Miami County have made decisions. He stated he research the information and provide it to Council as to what other communities are doing.

Member Cantrell asked if there has been any input from the medical community?

Law Director Stephan stated if Council reviews the website he provided to them it does give more information on comments from medical organizations because this law requires the medical community to do certain things under it. There are also a lot public comments on the website.

Member Cantrell asked if there are any communities that have allowed anything other than the retail dispensaries or cultivators?

Law Director Stephan stated he is unsure but he can do a survey and get back with Council on the results. He stated he can check with Mayor's and Manager's Association or Miami Valley Regional Planning Commission to see if they have anything. He stated as he sees the cultivators and processors as a commercial industrial type business who will want to locate in commercial and industrial park areas. He stated the rules being adopted are very stringent for the operation and security. He informed there is a tremendous amount of rule making going on for those entities.

Mayor Seagraves stated in those state findings just because we allow for a cultivator, retail dispensary or processor doesn't mean will get any because the state is restricting the total number allowed in the state, so the the chances of any of them coming to Brookville is slim.

Member Cantrell stated it looks like the fees being charged to the businesses are very high.

Motion by Cantrell, second by Kirklin to read Proposed Resolution No. 2017-04. All yeas, motion carried.

Motion by Cantrell, second by Henry to accept the first reading and dispense with the second and third readings and adopt Ordinance No. 2017-04 entitled, "AN ORDINANCE ESTABLISHING AN ADDITIONAL MORATORIUM FOR A PERIOD OF ONE HUNDRED AND EIGHTY DAYS ON THE GRANTING OF ANY PERMIT ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR ANY PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY OF BROOKVILLE." All yeas, motion carried.

Law Director Stephan advised on August 16, 2016, City Council approved the Market Street Extension Project Management and Financing Agreement with the Montgomery County Transportation Improvement District (MCTID). This agreement with the MCTID was comprised of two phases. The first phase of the agreement was for design of the street and completion of other necessary preliminary work to prepare for street construction. The first phase of the agreement is now completed. The second phase of the Agreement is the construction of the Market Street extension. A copy of the Phase II Addendum to the Market Street Extension Project Management and Financing Agreement is forwarded to City Council with this Memorandum. To authorize the MCTID to proceed with construction of the Market Street extension, City Council will need to adopt a motion authorizing the City Manager to execute the Phase II Addendum. Upon execution of the Phase II Addendum by the City Manager, the MCTID will proceed to obtain bids for the construction, and proceed with construction of the project.

Law Director Stephan reported the State Infrastructure Bank (SIB) loan committee has approved the loan application for the Market Street extension project. The loan is approved in the amount of \$1,976,000. He informed a copy of the February 1, 2017 letter from Melinda Lawrence, Administrator of the State Infrastructure Bank to Steve Stanley, Executive Director of the MCTID, is forwarded to City Council with his memo. The preliminary project term sheet and payment schedules are attached to the letter. The term of the loan is 20 years. The semi-annual payment will be \$73,580.25. The first payment will be due on August 1, 2019.

Law Director Stephan requested that City Council approve a motion to authorize the City Manager to execute the Phase II addendum and SIB loan preliminary term sheet for the Market Street extension.

Mayor Seagraves asked if this in turn will allow us to run utilities to the new firehouse?

Law Director Stephan advised this will provide the necessary utilities to the fire station project. This extension will provide sanitary sewer and water to the fire station project as well as making it available to the properties on both sides of the street for future development. This project will provide a regional storm water detention system that will serve the fire station and properties on either side of Market Street. He stated the project will also provide for the extension of Market Street from its current to Upper Lewisburg Salem Road. He informed this project provides all the necessary infrastructure needed for the fire station project and without this infrastructure it is not possible for the fire station project to move forward at this site.

Motion by Cantrell, second by Kirklin to authorize the City Manager to execute the Phase II addendum and SIB loan preliminary term sheet for the Market Street extension. All yeas, motion carried.

Mayor Seagraves had no report. He wished everyone a Happy Valentine's Day.

In Old Business,

Motion by Duncan, second by Cantrell to read proposed Ordinance No. 2017-03. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the third reading and adopt Ordinance No. 2017-03 entitled, "AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF COMMUNITY REINVESTMENT AREA #2 IN THE CITY OF BROOKVILLE, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVE REVIEW COUNCIL." All yeas, motion carried.

Motion by Duncan, second by Apgar to read proposed Resolution No. 17-13. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the second reading of proposed Resolution No. 17-13 entitled, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS PROPERTY EITHER AT A PUBLIC AUCTION, A PRIVATE SALE, OR BY INTERNET AUCTION." All yeas, motion carried.

Motion by Apgar, second by Cantrell to read proposed Resolution No. 17-14. All yeas, motion carried.

Motion by Apgar, second by Kirklin to accept the second reading of proposed Resolution No. 17-14 entitled, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE PROGRAMMING ON THE ARLINGTON ROAD BRIDGE PROJECT." All yeas, motion carried.

Mayor Seagraves stated the Council Rules were tabled at the last Council Meeting and will remain tabled until the next Regular Council Meeting.

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

Dave Monnin, President of the Brookville Park Board, stated on May 20, 2017 at 2:00 p.m. a dedication will be held at the Memorial at Gateway Park to honor the veterans, the policeman, firefighters and EMT'S. He stated it is going to be a very big deal as he is inviting senators, congressman, representatives. He informed the VFW will bring out the Honor Guard and there will be a 21 gun salute. The Police and Fire Departments have given their ok to help with whatever they can. He invited Council Members and encourages the public to attend. He stated this has been in the works for the last 15 years but it is finally happening.

Mayor Seagraves commended Mr. Monnin on a job well done.

Member Henry stated the Memorial at Gateway Park looks beautiful.

Member Cantrell asked the status of the pavers?

Mr. Monnin stated anyone can buy a paver and put their names on it or whatever they want. The pavers are \$50 a brick.

Mayor Seagraves asked who to contact to purchase a brick paver?

Mr. Monnin stated anyone can contact the VFW or him if interested in the brick pavers.

Mayor Seagraves thanked Mr. Monnin again.

Mayor Seagraves introduced Ryan Henderson, the new Chairperson for the Planning

Commission and thanked him for taking the lead.

Ryan Henderson, the Chairperson for the Brookville Planning Commission, thanked Mayor Seagraves and also welcomed Curt Schreiber and James Bailey as the two newest members to Planning Commission.

Bruce Garber, of 434 Sycamore Street, stated he is still trying to figure out why the flow to Payless has diminished over time. He stated he has been thinking about the check back valve, the back flow valve and asked if Payless has this since it is such a large system?

Public Service Director Williamson stated yes they do.

Mr. Garber asked if it is checked periodically?

Public Service Director Williamson stated yes.

Mr. Garber asked if we have checked to make sure it is completely open?

Public Service Director Williamson stated yes.

Mayor Seagraves asked Fire Chief Fletcher if he was involved with checking this also?

Fire Chief Fletcher explained the specifics of that particular back flow valve is it is a 12 inch valve, rated to have a friction loss of 10-12 PSI and numerous tests showed it to consistently be at 11 PSI. they had honestly hoped to find that there was a smoking gun of either a throttle valve, back flow preventer that wasn't working right or some other sort of obstruction. He stated that is the most test area of water in the City of Brookville, he has performed more tests on that area than all other areas of the City combined.

Mr. Garber stated he thought maybe we didn't think about it.

Fire Chief Fletcher informed because it is on the wireline their contractor pays to have it tested and then he gets a copy of the paperwork and so does our front office. He stated everything is happening there that should be.

Mr. Garber stated on the financial report presented earlier, the reason we had so many areas in the green is because of the due diligence of Finance Director Keaton and if you notice overtime a question is asked about finances, she has the answer very quickly. He stated Finance Director Keaton is amazing.

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



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Meghan Wheeler, Clerk



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David E. Seagraves, Mayor