

Brookville City Council  
Regular Meeting  
June 6, 2017

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on June 6, 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, and Clerk Wheeler were present.

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 Henry to approve the Agenda as presented. All yeas, motion carried.

Motion by Duncan, second by Apgar to approve the Regular Council Meeting Minutes of May 16, 2017. Member Kirklin abstained, motion carried with six yeas and one abstention.

Manager Burkholder reported an update on the Firehouse Project. He informed the building pad has been brought up to grade with the installation of footers this week and the commencement of underground work. The good weather has been very helpful. He informed Market Street continues to move forward nicely with water, sewer, and storm sewers all under construction. He stated dirt from the pond and road have been used on the firehouse building site. He reported this week the City will have a Construction Meeting with the Montgomery County Transportation Improvement District for a progress report. He informed he and Law Director Stephan have already attended several firehouse meetings.

Manager Burkholder reported Old Market Street is under construction at the south end. Staff is working on a plan for the replacement of the street lights and the burying of the electric service.

Manager Burkholder informed Staff is reviewing street resurfacing bids for this summer.

Manager Burkholder reported the installation of fiber to all City facilities should be completed by the end of June. He stated we have been waiting for permits from DP&L.

Manager Burkholder informed the speaker, lights, and poles have been removed from the BMX park and final grading will begin next week.

Manager Burkholder stated additional electric service will be added to Golden Gate Park via a DP&L grant.

Manager Burkholder informed the electrical service has been restored to the fountains at Golden Gate Park.

Manager Burkholder reported Foothill has progressed to flooring and will proceed with cabinets soon. He informed all of the mechanicals are in and there are a few electrical items to be touched up on. He stated he has been working with the Lowe's store manager, assistant manager and the regional manager to get the project back on track.

Manager Burkholder informed the Center for Local Government is representing several communities including Brookville and has advertised for bids for residential trash services. He stated Staff will be bringing a recommendation to Council in the near future.

Manager Burkholder informed that additionally, the new NOL (net operating loss) legislation will be in effect and will have an impact on City revenues.

Manager Burkholder reported the repeal of the income tax credit reduction will cost the City a projected \$780,000 in revenue for calendar year 2018. He stated this will hamper the City's ability

to make capital improvements in 2018.

Manager Burkholder informed the Law Director has reviewed our City Tree Policy and has a memo prepared for Council. He stated Staff will bring proposed changes to the next Council meeting. He informed they did find there is a prohibition against anyone planting a tree between the sidewalk and the curb, which is probably for a very good reason. He stated we as a City even have a few trees that violate that policy. He informed as some of the older trees that were planted 50-60 years ago get even older, they will be an ongoing concern. He stated the City will have to work with everyone in the community to get those trees out and to also advise people if they are going to plant a new tree, not to plant a tree between the sidewalk and curb.

Manager Burkholder reported he attended the presentation on heroin this past week at the Ridge Church. He described it was very informative, educational and well presented with over 100 in attendance. He informed during the presentation, they asked anyone affected by the epidemic to stand up and a significant amount of people in the audience stood up. He stated this epidemic is a problem for all of us and if everyone could get involved to educate and help spread the word. There is no solution at this time. He thanked Chief Jerome for participating in the event and giving a presentation during the event also along with Officer Lyons.

Member Duncan asked the projected date for the Foothill house to go on the market?

Manager Burkholder informed hopefully in a few weeks. He informed the last window of time he was given by Lowe's was about four weeks and we are currently on about week three. He stated he has been pressing them and following up with them routinely. He stated coordinating contractors and then staying on top of them have been a challenge. He informed there has been a lot of good work done so far and we have been able to use some local contractors.

Member Duncan asked if the home will be done before the new school year in August?

Manager Burkholder informed definitely by the start of school, hopefully the home will be completed by the end of June. He informed he is out at the home every single day to check on the status of the project and if there is any problem then he is on the phone trying to get them fixed. He stated Lowe's has definitely pick up their pace on the project, which is good news. He informed he will bring pictures to an upcoming Council Meeting because he has taken pictures from the very beginning of the project until now. He stated it is amazing the progress that has been made on the home.

Member Duncan stated he thought people might be looking for new homes prior to school starting.

Manager Burkholder agreed. He stated hopefully the home will officially be on the Market in July.

Member Duncan stated if you look online at trash services through Rumpke and Waste Management, there are a lot of complaints from people who have them for their trash service. He stated he knows any project you have there are going to be pros and cons.

Member Duncan stated we already switched our water over to Dayton because we had no choice and dispatch services to Englewood because we had no choice since it was too expensive for us to run. He asked if we really want to be at the mercy of another company on our trash service? He has heard horror stories from people complaining about their rates with Rumpke or Waste Management. He stated we really need to look at this and think about if we really want to be held hostage by trash company and worry about our rates going up. He stated he read about even businesses complaining because they can't project what they will be paying because every time they turn around their rates are increased. Member Duncan informed he also read horror stories about the company's billing departments.

Member Duncan stated Brookville's trash is an Enterprise Fund, which is supposed to be self-sufficient. He stated residents are paying for the Enterprise Fund so, if we go out and get a cheaper rate with Rumpke or Waste Management, are we going to pass the savings along to the residents. He stated if having three people on a trash truck is a problem for us, then maybe we should look at expanding the routes with three people to try to run two routes at a time.

Manager Burkholder informed he and Staff have been looking into this and researching and once you really drill down into what is going on in this operation and look at the bulk pickup and the limbs being picked up on private property, we are actually spending over 100 man hours a week on trash service including limb and bulk pick up. He stated he has been researching this topic and talking with various Staff and has heard stories of tree trimmers from outside of our City bringing their limbs to Brookville and dumping them in the right-of-way because they knew our City would pick them up. He stated of course that sort of thing does not happen every week, but we have also experienced individuals that have a tree cut down in their back yard and then have the tree trimmers move all of the debris to the front yard so that the City would just pick it up and take it all away. He informed he has been having Staff do some time studies on trash, limb and bulk trash pickups and he feels without any reservation that we are spending well over 100 hour per week on trash services.

Manager Burkholder stated that with Workers Compensation claims, our most common injury is on the trash truck. He stated with any company out there, you will see negative comments, but you cannot believe all of the negative comments online and especially on Facebook. He stated with these other trash companies, they do offer unlimited pick up, so they will pick everything up at once. He stated some individuals clean out an entire house and then expect the City to just pick up the entire cost. We also have the cost of the commercial accounts as well.

Manager Burkholder informed Staff has been gathering data and all of the information to provide to Council to make an objective decision. He stated the comments about stricter rules for limbs or trash may or may not be true but in the conversations so far with the Center for Local Government, we have been told there is unlimited pick up plus they would take our recyclables too. He informed right now we are spending over \$50,000 per year above and beyond our labor costs and all other costs to offer recyclable service. He stated we do get revenue from picking up trash but that \$50,000 alone is an extra cost. He stated we really need to add everything up and see exactly what it is costing. He stated he wouldn't recommend this to Council if he didn't think it was the proper way to go but he wants to get as much information as possible to Council. He informed other communities have been doing this and we are one of the few cities who still pick up their own trash because a lot of other similar sized communities have been doing this for several years now. Manager Burkholder stated by doing this, it would free up three Service Department employees a day. He stated there is definitely a lot of work to do in this City like mowing grass, cleaning out storm drains, etc. and by doing this with the trash services, it would free up three additional workers instead of us having to hire three additional Service Department employees.

Member Cantrell stated she thinks it is good we look at it.

Member Apgar agreed. He stated he doesn't think we know enough about it yet until we get all of the facts.

Member Cantrell stated a lot of residents have asked us to do something like this over the last few years.

Member Duncan asked what about at the Community Picnic, who would pick up on a Saturday after an event?

Manager Burkholder stated since we have two more years on the lease for our newest garbage truck, he suggested we sell the second truck we have and keep the newest truck. He informed we communicated this in the negotiations so that they would understand that our parks and a few other areas we would still pick up. He stated he likes that with this hybrid approach, we will have flexibility with our events. The garbage will not sit around and we can still give quick responsive service during the week or on weekends when an event is held. We owe about \$60,000 on the truck, which is about \$30,000 per year.

Member Duncan stated the \$780,000 loss Manager Burkholder reported in his report isn't really a loss because we never actually had the money.

Manager Burkholder stated he understands that, but it was revenue that was approved and projected for, we received some money but now we will not have any of that money available for capital improvements next year. He informed our firehouse payment will begin next year, they will be somewhat reduced because we had the premium on the bonds and then Market Street won't begin next year but we will still have that liability that will have to be paid for. He explained if you look at just the few streets that have been proposed for this year it is approximately \$400,000 for repaving above and beyond the \$200,000 in STP repaving. When you start looking at the Water Study, the WWTP and other infrastructure needs, we aren't talking about hundreds of thousands of dollars, we are talking about millions of dollars of needs. He stated these aren't scare tactics but he wants to make sure that as a Staff, we are collectively making sure Council has all of the numbers and facts. Manager Burkholder stated it is in the best interest of the community that Council and Staff get all of the facts out there about the challenges the community faces. He stated you do not have to drive through too many neighborhoods to see we have a lot of curb, gutter and storm drain problems throughout town. He stated we will have to fix those problems within the next 10-15 years.

Member Letner asked what is the status of hiring a new Service Director?

Manager Burkholder informed he has made an offer and the person should be starting on June 19, 2017. He stated he will bring the new Service Director to a Council Meeting after he has started to be introduced. Manager Burkholder informed the candidate is extremely well qualified and he is very happy with the candidate's credentials, experience and leadership abilities. He feels it will be a great fit because he has a lot of experience working with storm, sewers and water, which is the kind of person we need.

Finance Director Keaton presented the May 31, 2017 Fund Balance.

Motion by Duncan, second by Kirklin to approve the May 31, 2017 Fund Balance as presented. All yeas, motion carried.

Member Cantrell stated in the Fund Balance it lists that the rate increase accounted for \$42,000 more funds in May and \$204,000 more funds year to date. She asked if that is because we are at the higher income tax rate versus the 1.75%?

Finance Director Keaton informed it is a combination of the difference between the rate increase and also the difference from the first half of the year in having the 1% credit.

Member Cantrell stated we had anticipated the 1.75% to 2% increase for the year to be approximately \$700,000 and for five months so far into the year, we are only at \$204,000 and that includes a small amount from the 1% credit reduction.

Finance Director Keaton informed if individuals had their employers begin to withhold from their checks on a weekly or bi-weekly basis then that is included.

Member Cantrell asked if an individual didn't withhold and chose to pay it from their income tax refund, then that is not included?

Finance Director Keaton stated that is correct and the 1% from January to May will be on next year's return if they didn't have their employer withhold.

Member Cantrell asked if someone paid estimate payment, would that be reflected in the report?

Finance Director Keaton stated yes.

Member Cantrell stated her point is we will be well below the \$700,000 we had anticipated receiving with the .25% rate change.

Finance Director informed there are other changes involved for example, people change employers, people retire, new people come in and make less money, there are a lot of different

variables that factor into it. She stated numbers she has previously provided in past years are based on the two years prior.

Member Cantrell stated if we are at \$204,000 so far for the year, then we will probably only get about \$400,000 total for the year plus or minus a little.

Finance Director Keaton stated she thinks a little more ahead because this number is not including net profits. She informed a lot of businesses ask for extensions. She stated in the report, Business Net profits were up almost 28% in May but are still down 3% year-to-date.

Member Cantrell asked how much has been given back for net operating loss?

Finance Director Keaton informed nothing has been given back as of yet, it starts this year.

Member Cantrell asked if we will have to give back in 2017 or 2018.

Finance Director Keaton informed not until 2018. She described it isn't really giving the money back, the businesses are able to use it to offset any profit they may have.

Member Cantrell stated so it isn't a refund then.

Finance Director Keaton informed the refunds seen are over estimates or people who travel for work outside of the City that has documentation that gets refunded.

Member Duncan asked about a purchase order paid to the engineers for a 5-year capital improvement plan for \$18,0000. He asked what we get for that price?

Manager Burkholder informed it was for the Wastewater Treatment Plant (WWTP) capital improvement plan and rate study. He informed that right now our WWTP Operators are reviewing the plans to make sure everything seems correct. He stated he will be bringing the report to Council soon for their review and approval. He informed there are several recommendations in the report of things needed. He stated there seems there have been several comments made in the community recently about the City not having any capital improvement plans, but this is a capital improvement plan. He stated the City has been working on this plan and other capital improvement plans. He informed the plan will also have a recommended rate study as to what the rate should be in order to do the needed capital improvements. He stated he and Finance Director Keaton will be working on cash projections to help determine how much cash do we need for not only operating expenses but to roll in those capital improvements whether they be new capital improvements like the firehouse or the Market Street extension or maintenance and repair. He stated for example we have over a \$200,000 Lift station rehabilitation that will be going on this summer at the WWTP and these are the sort of capital improvements need to be rolled into the rate so that 5, 10 and 15 years from now, there is enough capital in the enterprise zone to do all the repairs needed. He stated too many communities get in trouble with artificially low rates and then they have a catastrophic failure. You do a plan so that you have a road map or a rough estimate of what you are going to need over the next 5, 10 or 15 years. He informed this is a five-year plan, that we plan to update every year and try to do as much as possible. The project this year was critical because of leaking pipes and failing pumps in the main lift station at the plant. He informed we will have the WWTP plan, the draft Water Study, and then the street inventory will begin in June with the collection of data. He informed in the street inventory, every single street in the City will be reviewed and then put into a report. He stated we are really still in the process of getting a handle on all of the capital improvements that are needed within the City.

Member Duncan stated he has been hearing a lot about the port-a-jons being removed from the soccer park. He stated if it only costs \$138 for two per month then maybe Council should forego their pay for a few months to have port-a-jons at the soccer fields.

Manager Burkholder informed as the City Manager he always welcomes ideas from Council on spending money one way compared to another. City Staff has decisions that must be made every single day. He informed the City is beginning to cut back on a variety of things. He informed bulk pick up has been cut back from twice a week to once a week. He informed that today he reviewed over the 2017 capital improvement budget with Finance Director Keaton and they slashed quite a bit out including about \$100,000 for the curb and sidewalk repair. He stated curb

and sidewalk repair program is great, but if people do not pay when we have the Resolution of necessity then, we the City have to carry that money and it goes on the resident's taxes. That could potentially be a \$100,000 that we don't have in cash flow to spend on other things or operating expenses. He hasn't finalized anything yet but he wants to make sure that in 2018, 2019 and 2020 that the City is in strong financial condition and can meet the liabilities we currently have like the fire station, Market Street, the \$1.9 million at the WWTP, and other loans. He stated we are still working to get everything fine-tuned and as Finance Director Keaton and Member Cantrell have brought up we aren't exactly sure how much money the .25% is going to actually generate for the City particularly with the loss of two major employers back in 2015. He stated he would rather be more conservative and look at everything on the table. Manager Burkholder stated Council always has the right to say they do or do not want something specific to be cut. He stated when we start looking at the budget for 2018, he thinks there will be a lot of good discussion and lively debate about what we are going to do in 2018 and what we have to pay. He stated services are a variable we can control, some of the liabilities and already scheduled capital improvements we are committed to those and have a responsibility to pay for those.

Finance Director Keaton provided Council with a memorandum on the certified election results from the May 2, 2017 Primary Election. She reported the results were certified on May 23, 2017. She reminded if citizens work in a municipality that has an income tax rate less than 2% they are required to pay the difference between the tax income rate from where they work and the 2% rate that Brookville has.

Fire Chief Fletcher reported the May Operations Report. He informed it reflects above average calls for service which has become the norm. He reported at this point, the Fire Department is at about 909 call so far for the year, about mid-June they will hit the 1,000-call mark already. He informed if this average continues they will be well beyond 2,000 calls for the year. He informed last year the high mark set was 2,003 calls for service. He stated we have a very busy little Fire Department and EMS.

Fire Chief Fletcher reported three fires with loss during the month of May. He stated he may have mentioned it at the second Council Meeting in May but one of the fires with loss was a tractor trailer fire. He informed the particular tractor trailer fire was extremely close to the Preble County Road overpass. He stated there have been a few instances nationally where fires in close proximities like an overpass have caused significant damage so they put a very large response on the road to handle the incident very quickly and seriously. He stated one of the responsibilities they have that not everyone thinks about is with the interstate so close, there are millions and millions of dollars at stake just when they have to close the highway for a short period of time and when that has to be done for an extended amount of time because of an incident or damage to the structure, that is really a big deal.

Fire Chief Fletcher reported another fire loss happened in a laundry room of a residential home just around the corner from the firehouse. He stated that by having in-station staffing, they were able to get on the fire quickly and hold it to just the one room. He informed he shared this instance because it speaks to us having a staffed fire station but also there was female resident home who sleeps nights and was asleep upstairs. There was a child home downstairs who discovered the fire and called. He stated they found no working fire alarms in the home and how unfortunate it would have been to put laundry in the dryer and then go to bed and die from smoke inhalation or be trapped upstairs when the Fire Department arrives. Chief Fletcher informed this type of situation is so easily avoidable. He stated the Brookville Fire Department has a cooperative Agreement with the Red Cross and give away high quality smoke alarms with batteries good for 10 years. He informed the smoke alarms are maintenance free for 10 years and the Fire Department is even happy to install them and give education. He stated if someone takes the initiative to say they want a working smoke alarm in their home, the Fire Department will make sure it happens. He explained the original program limited the number of smoke alarms that they could hand out but the current Agreement with the Red Cross does not limit the amount of smoke alarms that can be distributed. He informed people should understand that this is a free service. He stated their goal is to avoid having any loss of life from a fire.

Fire Chief Fletcher informed along with the Police Department, the Fire Department participated in the Memorial Dedication on May 20, 2017 at Gateway Park.

Fire Chief Fletcher reported the Fire Department also had the honor of welcoming the riders of the Veteran's "Ride the Wall" group to Brookville once again this year. He informed unfortunately this was the first time a minor incident occurred within the City limits where two bikes ran into each other and resulted in minor injuries. He informed they also experienced some inclement weather roll in shortly thereafter. He informed he had serious conversation with the Police Chief on their weather concerns and how it should be handled because they had the Am Vets full of people as well as an event going on at the Music Center. Part of the presentation he will share later on during tonight's Meeting is about making sure we are doing the right things with our warning sirens with regards to their placement and coverage of the City. He informed they watched the cell that was poised over Brookville dump a lot of rain and were thankful it did not spawn a tornado but that is the potential we certainly have at any time.

Police Chief Jerome reported the Brookville Police Department handled 330 Reportable Incidents year-to-date, compared to 278 during this same time last year. Police Chief Jerome reported Citations are down a total of 25 Citations year-to-date, for a total of 209 Citations issued year-to-date. There were 176 traffic stops for May compared to 137 during May 2016.

Police Chief Jerome informed they had a cruiser crash a month ago and the car is totaled. He stated that thankfully that happens very little for his Department because he has spoken with other Police Departments who are larger than ours and they seem to have it happen frequently in their Departments. He informed the Police Department had a car that was going to be taken out of their fleet but instead they will be rehabbing it and putting all of the equipment back on it to get another six months out of the car. He informed if the car ends up having any issues they will have to just fix the issues as they happen. He stated he hopes to have the car back ready to go in about two weeks.

Police Chief Jerome informed his Department does a lot of lock outs in the City throughout the year, at least 150 per year. He stated that saves the residents about \$50 per time they lock themselves out of their cars. He stated in looking at possible areas to cut back on in 2018, he is looking at possibly cutting this service. He explained when the rates go up in 2018 to \$13 an hour, it will cost his department \$13 every time an officer unlocks someone's car and if that is done 150 times per year that is \$2,000 per year it costs the Police Department to unlock people's cars because they locked their keys in their car. He stated that obviously, it would still be done for a resident who has a child in the car or other safety issues but things like this are things that will have to be looked at for next year to help tighten things up and help with costs.

Police Chief Jerome stated he cannot remember a time that we have had this many tornados in this area. He stated last night there was one near West Milton. It used to be in the past, when watching severe weather, you would think it isn't going to hit us but now, people really need to be aware of the sirens and if they see an alert come across their phone they need to pay attention.

Police Chief Jerome informed the City's new website is up and the Police Department's new page is on the new website. He informed as soon as the server migration is completed, the old website will drop off and the new one will come up when [brookvillepolice.com](http://brookvillepolice.com) is entered in. He informed his Department is now working with Clerk Wheeler to add county and community drug related resources to the website. He stated one of the biggest questions he is asked is what resources are there? The information is already on the new site but in the process of having the information right on the main page of the Police Department's site in order to help people find the needed information much faster instead of having to click multiple times and hunt for information. He would like for the Drug Free Coalition and other resources to be east to find and once clicked on the link will take the person directly to those pages. By having this information easy to access it will help people find resources for treatment or places they can go or could take a friend that is available 24 hours a day. Chief Jerome informed the good about heroin event at the Ridge was 108 people showed up, not counting the Police. He stated they didn't advertise any more than usual but sometimes it can be a challenge in getting people to actually show up to events. For example, they always have people request a female self-defense class or a bullying class but then they have low numbers for the actual event. He reported that today their Captain and Administrative Assistant participated in a CSI Camp in Dayton. He stated his Department has teamed up with the Sheriff's Department on their Impact Group, the Drug Free Coalition and events like the CSI Camp to show they are a part of the initial community initiative in the county to help bring community relationship up because ultimately helps solve the crimes because the more community support and communications you have, the more crimes people report. He stated



the Heroin event was a real eye opener even though we report overdoses every meeting. He described the during the Sheriff Department's presentation they dove further into the topic with how we got to this point and one thing they mentioned was that the epidemic spread while shutting down the pill mills and taking away prescription medications was the focus. He stated all these pills were taken away from these addicts and left them nowhere to go. What it left them was with an illegal means to find a similar high because with no pills it just pushed people to Heroin because it was what was available that would give them that high.

Police Chief Jerome informed his Department participates in a monthly county wide initiative where each month they flood a different area in the county with as many as 20-40 cruisers on a certain day and then just make a ton of arrests. He stated the reason they are a part of something like this is because they do have a good relationship with the Sheriff's Department, we help them and they help us if we need it, it is a great thing. He reported last month they hit an area in East Dayton and made a tremendous amount of felony arrests. He stated they keep trying and hope that if they can stop it in their area then it will keep it from spreading to us. He stated they are trying to be proactive.

Police Chief Jerome informed he has been asked recently by several Council Members about the dumpster on Western Avenue. He stated what has been happening lately is they have been receiving a lot of calls asking about different laws and different things so they have been researching a lot and trying to help educate people on many different issues throughout the community. He informed one item that has come up several times is that some Council Members have received phone calls from people asking about the dumpster sitting on Western Avenue. He informed that one of two dumpsters are gone. The home is being rehabbed and there is no front yard, no driveway, or no alley for the dumpster to sit in. The property owner has no choice but for it to sit in the street. He checked and the man did call and has received permission to have the dumpster sit on the street. He informed that in between the first and second dumpster, the man had a kidney transplant which delayed his project. Chief Jerome informed a third dumpster is on its way in about another week. He stated by Ordinance he is allowed to obtain permission, which he has been given. He informed next time though, a taller orange cone will be place on each corner but in order for this guy to rehab this house, there is no other physical option.

Police Chief Jerome informed today there was an accidental shooting, which made the second accidental shoot of the year. He informed the person was shot through the leg while showing someone else somethings with the gun and accidentally shot himself. Chief Jerome reported both shootings this year were thankfully not fatal.

Chief Jerome informed he has made an offer for our new 12<sup>th</sup> full time officer. He stated he is very excited, his Command Staff is excited and he will introduce her soon. He stated he thinks diversity is important and he has tried more than once to get female officers and have had four in the past but then have lost all four to full-time agencies. He reported that our new officer has passed everything with flying colors and she will be starting June 12<sup>th</sup>. He stated he will probably introduce her at the next Council Meeting.

Chief Jerome informed at a previous Council Meeting Member Letner brought up parking issues on Market Street. He stated he has been busy looking into this. Chief Jerome stated he thinks there are some misses to this that aren't quite accurate. There are people who have complained in the 200 block of Market Street that would like to see one hour parking. He stated he informed businesses along Market Street that he has an active Council who will ask a lot of questions and want to know if any study has been done to show the need for one hour parking. He stated it isn't just about adding one hour parking signs, as he explained to the businesses, the Police Department doesn't do something and not enforce it. He asked if he were to erect one hour parking, what would that do? Chief Jerome stated it would require him to have someone to monitor the area, have someone chalk the tires and then unfortunately people will not abide by the signs which means the Police Department will have to do the infamous \$5 parking ticket, which seems to make people furious. He stated that one hour parking could be a negative result back to the businesses with the loss of business because people that end up getting a parking ticket may not want to come back in the future. Chief Jerome reported his Department did a parking study for 5 days. He informed there are 16 parking spaces plus a handicap space. He stated he instructed his officers to monitor the area and he personally participated in monitoring the area and with regularity, out of the 16 spots, there were typically 8-9 open spots every hour. He stated he was surprised on a Friday afternoon there were only 2-3 cars parked along the area the entire day. He stated oddly



enough the same afternoon that he had spoken with one of the business owners, a complaint was called in that someone could not enter a business during that time because there was no parking and they had to walk. He stated that he spoke with several business owners along Market Street and pointed out clearly that behind Clark's Gas Station, there are 33 open City spaces that the City owns and people can park in freely. He stated someone suggested to him that the City mark those 33 spaces or even reserve them for the Market Street Businesses. He stated he thought that was a bit on the extreme and that sometimes in downtown areas, like the City of Dayton you have to walk a block or two to get where you want to go. He stated unfortunately there is only one business that he found that has an employee who parks on the street. Most of the businesses have their employees park in the 33 spaces behind Clark's. He stated he has all of the numbers from the Study and will be charting the information for Council to show that most times there are more than eight open parking spaces. He stated it is his recommendation that the City does not make Market Street one hour parking, he does not think it is needed. Chief Jerome stated they could keep the study going another week but he thinks it will yield the exact same results and they have done their due diligence.

Police Chief Jerome informed the only one day there were less than the eight open parking spaces was the one annual day the dance studio was handing out tickets for their recital. He informed he saw first-hand how that could be a stampede because people were lined up down the street.

Police Chief Jerome stated that with confidence, this is not a crisis. He stated he is not saying that there might not be certain inconveniences at various times but not a crisis.

Member Letner stated he thinks some people have self-policed and went around to each other and discussed what they thought the problems were. He stated that as Chief Jerome stated some of the business employees were previously parking on the street and it seems to have resolved itself. Member Letner informed he spoke with a business owner today and was told the problem seems to have gotten better.

Police Chief Jerome stated we should be in good shape and the Police will be monitoring the 33 parking spaces also because the City owns that lot and wants to ensure that people aren't leaving disabled vehicles in the lot. He stated the Police Department informed the businesses that they would help police the area but they have to make sure they are being fair to everyone. He has noticed that the tenants who live above the businesses are even parking on side streets. Chief Jerome stated the Police Department will continue to monitor the situation but at this time he does not recommend one hour parking.

Law Director Stephan informed at their May 18, 2017 Meeting, Planning Commission approved the record plan for Wenger Woods Section Two. He stated Wenger Woods Section Two will combine Lot 2390 from the Wenger Woods Subdivision with part of Lot 1278 to create a 4.003-acre lot for a single-family residence. He informed the lot will meet all of the minimum requirements for the R-1B Zoning District in which it is located.

Law Director Stephan advised that in reviewing this proposed subdivision, he determined that the covenants and restrictions of Wenger Woods subdivision would need to be amended to authorize adding this territory to Wenger Woods and to permit a driveway from Charlie Court to the single-family residence to be located on this property. Planning Commission approved this record plan for Wenger Woods Section Two contingent upon the execution by a majority of the owners of lots within Wenger Woods of an amendment to the covenants and restrictions for Wenger Woods authorizing the combination of Lot 2390 and part of Lot 1278 into Wenger Woods Section Two. He informed Planning Commission approved this record plan contingent upon the requirement that this new lot be used solely for a single-family residence.

Law Director Stephan requested City Council approve the record plan for Wenger Woods Section Two subject to the conditions that an amendment to the covenants and restrictions of Wenger Woods Section Two be executed by a majority of the owners of the lots in Wenger Woods authorizing the combination of Lot 2390 and part of Lot 1278 into Wenger Woods Section Two, and that the new lot shall be used solely for a single-family residence.

Mayor Seagraves informed a lengthy discussion took place during the May Planning Commission Meeting, but all of the other property owners are on board with this.

Law Director Stephan informed there has been extensive discussion with the property owners who are in agreement with this, and they are working on obtaining all of the signatures.

Member Letner asked if the lot coming off from Charlie Court cannot be developed?

Law Director Stephan informed Lot 2390, which is the first lot leaving the cul-de-sac area will be combined with the bigger parcel to the south and the driveway will start on Charlie Court and run through Lot 2390 into the bigger area.

Member Letner clarified that they cannot build a home on the other lot, just for a driveway only.

Law Director Stephan stated a home cannot be built on the other lot, only for the driveway.

Motion by Duncan, second by Kirklin to approve the Wenger Woods, Section II Record Plan. All yeas, motion carried.

Law Director Stephan informed Manager Burkholder already spoke on the tree issues. He informed after the discussion at the previous Council Meeting and then a discussion at the last Staff Meeting, he went through our Code of Ordinances to look at what we have and outlined the Ordinance provisions in a memorandum to the City Manager and Council Members. He stated he will be submitting an Ordinance to City Council to clarify the Ordinance with respect of removal of dead trees from the right of way and assessment of the property owners for that cost. He stated as noted in his memo, we also need to clarify whether we are going to permit trees and shrubs to be planted between the curb and the sidewalk. The current Ordinance does not permit trees and shrubs to be planted between the curb and sidewalk, and that ordinance is not consistent with the practice of permitting certain trees from an approved list to be planted in the area between the curb and sidewalk.

Member Duncan asked about existing trees or shrubs in the right of way?

Law Director Stephan informed if they are living they would be ok but if they are dead they would have to be removed. He informed under the current Ordinance it states that no trees are to be planted in the curb line. In the past, a list of certain trees with limited growth could be planted in the curb line but Staff is looking at no trees being allowed to be planted in the right-of-way. He stated if you look at it, is better to have an uncluttered right-of-way. He informed he is looking at ways to clarify the notification process for the property owners if they have a tree that is in the right-of-way and needs to be removed. The owner would have so much time and if they do not remove it the City would come in, remove the tree and the property owner would be assessed for the cost. He informed he has looked at other Cities and their Ordinance on the topic and would be using other City's Ordinances as a template to provide more clarity to our Ordinance.

Law Director Stephan updated City Council on the status of the redevelopment of the former BP station at 801 Arlington Road. He reported the City has reached agreements with Giant Dayton, LLC for redevelopment of the property and these agreements will be before City Council on June 20, 2017 for approval. He informed notice has been given to the Brookville Local Schools and Miami Valley CTC of the proposed CRA tax exemption for the project which will be a 50% exemption on the value of the improvements for a period of fifteen years. He stated the new project will be a combination gas station with convenience store and a quick serve restaurant. He stated City Staff has meet with the design team for the new project, and they are now working on a site plan for the project which they have indicated they want to present at the June Planning Commission Meeting.

Law Director Stephan informed Giant Oil may be at the June or July Planning Commission Meeting and Staff will notify Council ahead of time.

Mayor Seagraves stated Law Director Stephan has made tremendous progress.

Member Henry asked if Law Director Stephan had any idea how soon construction would start?

Law Director Stephan informed the Agreement states construction needs to commence by December 1, 2017. However, their biggest challenge will be getting approval from Buster to re-open the existing tanks and that process could take months. He informed he has had very lengthy

discussion with them and their attorney and this has been a very negotiated process and essentially, they have built some extra time into the Agreement to make up for the time it could take with Buster.

Member Duncan stated he thought the tanks were removed years ago.

Law Director Stephan stated that was his understanding too but he is not sure that is actually correct. He informed Giant Dayton is currently going through the Buster process.

Member Cantrell asked if there was Buster clearance?

Law Director Stephan stated there was Buster clearance and they had approval for shutting the tanks down, mediation that was done, and testing done to show they went through a Buster process.

Law Director Stephan stated he has been trying to move forward with this project for quite some time as the building has been vacant for over ten years.

Member Cantrell stated she has been doing some research on Dark Sky Ordinances that are prevalent in various parts of the country which limit the allowable lumens and lightage that people can use in their residents and businesses. She informed in our Sign Code we were very specific on electronic signs and when and how those signs could be lit in various residential areas, specifically if they related to churches etc. She informed she would like to see Brookville start the process of developing an Ordinance sooner rather than later.

Member Cantrell stated there are a number of new homes that have 1,2 or 3 trees planted in the curb lines. She stated it seems information on planting in the right-of-way have not been made public to all residents when they move in. She also suggested addressing shrubs and bushes planted on sidewalk lines that could have roots that cause problems when growing in the future.

Member Letner asked with the dark skies; what would be done during the holiday season?

Member Cantrell stated there are exclusions for holiday lights. She stated it is a very interesting read. She informed it really isn't about Christmas or seasonal lighting but about lighting that could impede other's right to the quiet enjoyment of their residence because of lighting that is over and above a certain standard.

Member Duncan stated maybe something similar to a Noise Ordinance.

Member Cantrell agreed and stated it is called Dark Skies because it allows the sky to remain somewhat dark without all of the impending light from various sources.

Mayor Seagraves asked when Council would like to reschedule the July 4<sup>th</sup> Council Meeting? He stated since the first Meeting in July will be on July 4<sup>th</sup>, he asked if they should reschedule the Meeting to Wednesday, July 5 or only having one Council Meeting in July?

Member Duncan suggested rescheduling the Meeting to Wednesday, July 5. He stated it depends on many items the Staff will have for July, it may be a lot if we only have one Meeting.

Member Letner stated usually the first Meeting of the month is the more prevalent Meeting.

Mayor Seagraves asked if Staff would have enough time to have everything ready if the Meeting is on Wednesday?

Member Cantrell suggested having the Meeting on Thursday, July 6 to give Staff more time.

Fire Chief Fletcher stated he will be in town on the 5<sup>th</sup> but will be going out of town on July 6<sup>th</sup>.

Council Members agreed to reschedule the Tuesday, July 4, 2017 Council Meeting to Wednesday, July 5, 2017.

Mayor Seagraves announced the July 4 Council Meeting will be rescheduled to Wednesday, July 5 at 7:30 p.m.

Mayor Seagraves commended Dave Monnin, Park Board President and the entire Park Board for a beautiful Memorial Dedication and the countless hours they spent making it a day to remember. He stated the monuments are beautiful and he has been out at the park several times to see them. He thanked everyone who put forth effort in the Memorial Dedication including both Police and Fire Chiefs. He stated the park truly looks beautiful and the dedication ceremony was a beautiful service.

Mayor Seagraves also commended Manager Burkholder and his Staff for the tremendous job they did on the cleanup around the park. He described the cutting back of the trees, the mulching and coordinating everything with Mr. Monnin, everything looked great. He stated citizens coming off the highway have to be impressed with the look of Gateway Park. He informed that park definitely gets a workout because every day at lunch time you see a handful of cars in the parking lot.

Manager Burkholder stated the credit goes to the Service Department for their hard work, they had some great suggestions and worked well with the Park Board communicating to make sure everything got done.

There was no Old Business.

In New Business,

Motion by Cantrell, second by Henry to read proposed Resolution No. 17-26. All yeas, motion carried.

Fire Chief Fletcher gave a Power Point Presentation on the purchase of Warning Sirens.

Chief Fletcher stated there is a lot of overlap of the center City.

Member Cantrell stated that is probably why a lot of people complain that they can't hear the warning sirens when they go off.

Member Henry stated with the way the world is now, not only with terrorism but also the weather, she doesn't see we have any choice.

Member Kirklin asked if the costs include relocation of our existing sirens.

Chief Fletcher stated no. He informed we do not have estimates but it is something he was planning to bring up at the next Staff Meeting because we have the ability to reutilize the posts that our sirens are on now so literally it would mean punching a hole and setting the post. He stated he needs to look into a little further but thinks it could be an in-house project and not have to look outside other than maybe minimal electrical work to hook to our existing electrical.

Member Kirklin asked Manager Burkholder if he agrees that this could possibly be an in-house project with minimal costs?

Manager Burkholder stated we would have to have an electrical contractor for the electrical work. He informed he has spoken with the Fire Chief on this and he is in full support because it is a public safety issue. He asked if we do have the opportunity to purchase a second siren?

Chief Fletcher informed we have the ability to request a second siren but it will depend on what all of the other municipalities do. He has clarified that there is the potential for us to ask for an additional siren and he knows of other communities that are planning to ask for additional sirens. He informed the pricing through the RFP was based upon the fact that from day one we said we would be willing to do one siren. He stated there is absolutely no way we could ever match that price if we were not a part of a project like this.

Manager Burkholder recommended to Council they consider the purchase of two warning sirens to take advantage of this opportunity and to provide the City with basically total siren coverage. He stated the funds would be available for the purchase of two because of several things cut back on that were slotted for this year.

Member Cantrell asked if we request two and they can't give us two, will they still give us one siren?

Fire Chief Fletcher stated one siren is ours to claim for sure.

Member Cantrell agreed that we should ask for two sirens.

Fire Chief Fletcher stated another thing about the price is that it is the guaranteed maximum price if all of the communities involved in the project do the minimum and if several communities ask for an extra siren, the price would be less. So, if we do one siren, the \$10,500 would be the guaranteed maximum price we would pay.

Member Apgar stated we would need to change the Resolution to two warning sirens instead of one.

Mayor Seagraves stated we would want to make sure we go ahead and put in the purchase of two warning sirens into the Resolution.

Law Director Stephan stated we could amend the Resolution.

Fire Chief Fletcher requested the Resolution authorize the purchase of two warning sirens.

Law Director Stephan advised Council could do a motion to amend the Resolution to provide for the purchase of two sirens in the amount not to exceed \$21,069.92.

Motion by Apgar, second by Kirklin to amend Resolution No. 17-26 for the purchase of two warning sirens instead of one. All yeas, motion carried.

Motion by Cantrell, second by Henry to read amended Resolution No. 17-26. All yeas, motion carried.

Motion by Duncan, second by Kirklin to accept the first reading, dispense with the second and third readings and adopt amended Resolution No. 17-26 entitled, "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PURCHASE TWO WARNING SIRENS AND CONTROLS, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Member Duncan informed the reason Council declared Resolution No. 17-26 to be an emergency was due to the July 1 deadline.

Dave Monnin, Brookville Park Board President, stated there used to be three-hour parking on Market Street.

Police Chief Jerome stated that isn't needed either.

Mr. Monnin informed Memorial Dedication went terrific. He stated he goes to a lot of communities daily and has never see the amount of cooperation that Brookville gave for the Memorial. He stated that everybody asked what was needed and then did whatever they were told to do. He thanked Manager Burkholder and the Service Department for all of their help. He informed the Sheriff's Department had prisoners that came out and did some cleanup work in the park that was a big help. He thanked his fellow Park Board Members for all of their help. He stated anything he asked them to do within a reasonable limit, they did. He stated the event went very well and those that missed it, really missed out.

Mayor Seagraves again thanked Mr. Monnin and the other Park Board Members. He stated Council appreciates all of the work put into the event.

Mr. Monnin informed the after the Memorial Dedication he was at the park and met a Family visiting from Iowa. He described they were reading the plaques and told him how neat they were. They were surprised that a town our size could do something like this.

Mayor Seagraves asked for details on getting a brick?

Mr. Monnin informed if anyone is interested in purchasing a brick to contact the VFW. He thanked the VFW for all of their help on the dedication as well. He informed the bricks are approximately \$50 each for a smaller sized brick and \$100 for a larger sized brick. He informed people can have whatever they want written on the brick.

Member Cantrell asked if Mr. Monnin has any idea when the bricks will be finished?

Mr. Monnin stated the bricks won't be delivered until there are so many in an order.

Member Cantrell asked if Mr. Monnin would keep them updated.

Mr. Monnin informed the original design for the memorial included a brick wall behind the memorials so if enough bricks can be sold that could still happen.

Member Cantrell stated multiple times she saw Park Board Member Carolyn Haney up at the parking raking and cleaning away.

Bonnie Cordes, of the Brookville Park Board, stated Mr. Monnin is really who did 99.99% of all of the work. She stated it was his ideas and he hard work and determination that made the Memorial Dedication such a success and she and the other Members did some work but it was Mr. Monnin who really did everything.

Art Bevington, of 697 W. Westbrook Road, informed he is here to represent his daughter. He informed his daughter at the age of six was visually impaired through Leukemia in 1993. He stated since then she has always been dependent on mom and dad but recently they have convinced her to go and use the white cane and apply for a guide dog. She did that and is now very excited. She went through an intensive two-week training class in Columbus. He stated she was disappointed to learn thought that even with the training and acceptance to get a dog, she still cannot leave the residence because the dog and her need to have a controlled area to leave their property, otherwise there must be a sidewalk. He stated they live on the far end of Westbrook, within the City and she has no way to leave the home. He informed the only way she could leave is if they take her to a sidewalk. Mr. Bevington stated that if there is anything the City can do they would be very appreciative.

Member Duncan asked east or west Westbrook?

Mr. Bevington stated west. He stated he is at 697 West Westbrook Road. He informed his daughter is 30 years old and has always depended on mom and dad. She had a little dog who passed away last year after 10 years so they convinced her she should get a guide dog. He informed his daughter will still have three more weeks of training back in Columbus once she receives her dog. He stated so far, the pilot dog has been awesome, the organization is located in Columbus and have been around since the 1950's. He stated he and his wife have already taken her out several times so that she can familiarize herself with Brookville because she needs to get herself familiar with Brookville. He stated she is so excited but the downfall is she cannot leave their home if they do not assist her.

Member Cantrell asked where is the nearest sidewalk to him?

Mr. Bevington stated at the end of Westbrook on the north side and they are on the south side.

Member Duncan asked if they are across from Arlington Woods?

Mr. Bevington stated sort of, they are a little bit further west.

Member Duncan asked if they installed their own sidewalks, could the City install a crosswalk?

Mr. Bevington stated there would still be about 400-600 feet before you reached the sidewalk, but it still has to be controlled crossing. He informed the rectangular blocks you see at ramps are for the blind. He informed her dog will not be allowed to cross anywhere that is not a controlled crossing. He informed his daughter has been learning in her training how to come up to a stop sign and listen to the traffic. She has the right of way with the white cane. He stated if there were sidewalks all the way to Western that would be the closest controlled crossing. He stated that all



he is asking is if we can just take a look at it and if there is anything they can do to help to please just let them know.

Member Duncan stated the whole area is not in the City, some is in Perry Township.

Mr. Bevington stated he thinks there are two lots that are not within the City.

Mayor Seagraves informed Manager Burkholder can look into.

James Zimmerlin, of 247 Plymouth Avenue, stated he has had two conversations in the last week about kids walking to school and there actually isn't a controlled crosswalk at Arlington and Westbrook Road. He stated parents have expressed concern to him about having their kids walking to school. He asked if the City is considering adding controlled crosswalks that this be part of consideration.

Mayor Seagraves stated the City is still looking at addressing the roadway there with sidewalks, all along that same area.

Kim Cheatham, 565 Adrien Court, stated she wanted to bring something to Chief Fletcher's attention regarding the parking on Adrien Court. She stated here lately there has been a lot of parking on both sides of the street and recently she had trouble getting her SUV down the road, with only inches. She asked if there were a fire, could a fire truck get down the road?

Fire Chief Fletcher informed he has investigated a few phone calls that he has received. He informed as soon as he gets them, he shoots right out to take a look at them and he has measured the area and they are legally parked vehicles. He stated the misconception about fire trucks is there width, but they are no wider than any other legal vehicle. He informed their issue is because of length they need a wider turning radius and since that area through there doesn't require any turns, they can get through. Chief Fletcher stated if there were anything that he thought Police Chief Jerome could help them enforce, he would be on it, he is the first to jump on blocked fire hydrants or anything that needs enforced.

Ms. Cheatham stated it just looks like it would be a tight fit.

Fire Chief Fletcher thanked her for bringing it up.

Ms. Cheatham stated the aeration at the pond at Golden Gate Park was mentioned at a prior Meeting and asked if it has been fixed yet?

Manager Burkholder stated it has been already been done.

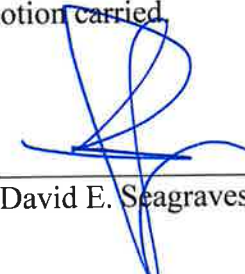
Member Cantrell stated the fountain is running again at the park.

Mr. Monnin informed the electrician was out at the park working this past Saturday.

Motion by Duncan, second by Apgar to enter into Executive Session per Ohio Revised Code Section 121.22 (G)(3) concerning disputes involving the public body that are subject of pending or imminent court action. All yeas, motion carried.

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

  
Meghan Wheeler, Clerk

  
David E. Seagraves, Mayor