

Brookville City Council
Regular Meeting
May 2, 2017

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on May 2, 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 Duncan, second by Kirklin to approve the Agenda as presented. All yeas, motion carried.

Motion by Duncan, second by Apgar to approve the Regular Council Meeting Minutes of April 18, 2017. Member Cantrell abstained, motion carried with six yeas and one abstention.

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

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

Manager Burkholder provided Council with a copy of his Report. He stated due to the length of the Executive Session he will not read through every item on his Report but if anyone has any questions, to please contact him.

Manager Burkholder informed the new Fire Station Project and the Market Street Extension Project are moving forward and construction has begun on both.

Manager Burkholder reported IT upgrades are continuing.

Manager Burkholder thanked the Service Department for their hard work removing seven dead beech trees at Golden Gate Park as well as several ash trees with multiple loads of wood and chipped branches. He stated the Service Department did an exceptional job on this project in addition to their other duties.

Finance Director Keaton presented the April 30, 2017 Fund Balance for Council approval.

Motion by Duncan, second by Apgar to approve the April 30, 2017 Fund Balance as presented. All yeas, motion carried.

Finance Director Keaton requested Council authorization to advertise for bids for our 2017 Sidewalk Ramp Improvement Project. She informed this is our Community Development Block Grant (CDBG) that was submitted and approved last year to install ADA ramps.

Motion by Henry, second by Kirklin to authorize Finance Director Keaton to advertise for bids for the 2017 Sidewalk Ramp Improvement Project. All yeas, motion carried.

Finance Director Keaton requested Council authorization to submit two Community Development Block Grant (CDBG) applications to Montgomery County and enter into subsequent contracts if we are funded for these projects. She informed the two grants applications are for installation of the ADA Curb Ramps and the installation of a sidewalk that will connect from the Brookville Community Theatre to the main driveway in Golden Gate Park and to asphalt the gravel driveway between the parking lot and the BBC Concession Stand. She informed due dates for the Grants are May 19, 2017. She informed the installation of the sidewalks will help those in wheelchairs be able to access certain areas of the park easier.

Member Cantrell asked what dollar amount is she requesting?

Finance Director Keaton informed she does not have a total amount yet because she is still waiting on the engineer's estimates. She informed on the ADA ramps it will be for the remainder of the ramps that need to be installed and the past few years the total project costs were approximately \$80,000 and we requested a 50/50 split, which we were funded for the last three years. She stated depending on how the engineer's estimates come in will determine if we request a 50/50 split, a 30/70 or a 40/60.

Member Duncan asked if this group of ramps will be the last ones throughout town?

Finance Director Keaton informed this will complete our ADA ramps throughout town but it will depend on how the bids come in because last year the bids came in quite low and we were able to add additional ramps.

Member Duncan asked if we will be in compliance?

Finance Director Keaton stated yes.

Motion by Apgar, second by Henry to authorize Finance Director Keaton to submit two Community Development Block Grant (CDBG) applications to Montgomery County and enter into subsequent contracts if we are funded for these projects. All yeas, motion carried.

Finance Director Keaton requested Council reject the three bids that were received for the construction of Shelter #2 in Golden Gate Park since all three bids exceeded the engineer's estimate by more than 10%.

Motion by Duncan, second by Cantrell to reject the three bids that were received for the construction of Shelter #2 in Golden Gate Park since all three bids exceeded the engineer's estimate by more than 10%. All yeas, motion carried.

Finance Director Keaton informed Council has been given a copy of the Annual Water and Sewer Survey conducted by the City of Oakwood. She informed the water survey ranked Brookville 45th lowest out of 66 jurisdictions, the Sewer survey ranks Brookville 9th lowest out of 63 jurisdictions and the Water and Sewer combined ranks Brookville 16th lowest out of 63 jurisdictions surveyed.

Finance Director Keaton reported she provided Council with a copy of a letter she received in today's mail from the Solid Waste Management Policy Committee. She informed the committee received 19 applications and approved 18 for funding. The district received grant requests totaling \$387,774.52 with the committee approving \$250,000. She informed for the grant we submitted on the Welcome to Brookville signs, we received funding but not the full amount requested. Finance Director Keaton informed we were awarded 26% and we had initially requested 70%. She stated the grant we applied for to purchase additional promotional items was approved for the full amount we had initially requested, which was 70%.

Finance Director Keaton requested Council dispense with the second and third reading and adopt proposed Resolution No. 17-22 that amends the 2017 Appropriations and Estimated Resources. She informed this Resolution would take effect immediately after passage as provided in Section 4.07 (A)(1) of the Charter of the City.

Motion by Apgar, second by Kirklin to read proposed Resolution No. 17-22. All yeas, motion carried.

Finance Director Keaton explained Section 1 amends the Certificate of Estimated Resources or revenues and the Park is being increased by \$1,400 due to donations received. The Land Reutilization Fund is being increased by \$900. She stated Section 2 increases the line items in the General Fund and that is the transfer to the Land Reutilization Fund. She informed the \$100,000 into the Street M&R is for the TID fee. Section 3 allows the transfers from the General Fund into the Capital Improvement Fund, Park Fund, Street M&R Fund and Land Reutilization Fund. She informed these are all transfers that were appropriated for in 2017 and these are all partial transfers.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third readings and adopt Resolution No. 17-22 entitled, "A RESOLUTION AMENDING THE 2017 APPROPRIATIONS AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW." All yeas, motion carried.

Finance Director Keaton requested Council dispense with the second and third readings and adopt proposed Resolution No. 17-24, which is the final Resolution for the mil and resurfacing of Wolf Creek Street between Westbrook Road and Western Avenue and proposed Resolution No. 17-25, which is the final Resolution for the mil and resurfacing of Johnsville Brookville Road between Westbrook Road and Brookville Pyrmont Road. She informed these are the two STP Projects that were approved last year and both Resolutions include a Fiscal Officer's Certificate that states the funds for both projects have been lawfully appropriated. She stated ODOT needs a copy of the Resolution, Fiscal Officer's Certificate and signed contracts with payments by June 2, 2017.

Motion by Cantrell, second by Kirklin to read proposed Resolution No. 17-24 and 17-25. All yeas, motion carried.

Motion by Cantrell, second by Apgar to accept the first reading, dispense with the second and third readings and adopt Resolution No. 17-24 entitled, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FINAL AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ON THE STP PROJECT FOR WOLF CREEK STREET" and Resolution No. 17-25 entitled, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE FINAL AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ON THE STP PROJECT FOR JOHNSVILLE-BROOKVILLE ROAD." All yeas, motion carried.

Fire Chief Fletcher presented the April 2017 Operations Report.

Fire Chief Fletcher reported the Fire Department participated in the 2017 Prom Promise at Brookville High School. He informed his Department also practiced brush control while burning off the Land Lab. He stated they complete this controlled burning every other year. They enjoy the opportunity to participate with the school and the multi-agency event like the Prom Promise but they try to turn these type of events around into training for personnel. He informed both of these events went very well.

Fire Chief Fletcher reported the Fire Department continues to see fires with a dollar loss at an all-time low. He informed we only had one fire-for-loss in our jurisdiction in April. He stated we responded and assisted our neighbors on a couple of structure fires during the month of April.

Police Chief Jerome informed the Police Department participated tonight with LCNB bank for a seminar on fraud related to banking. He stated it was a very brief one hour presentation given at the new library and went very well. He stated he was glad LCNB approached the Police Department for this event.

Police Chief Jerome thanked the Fire Department for their help with Prom Promise. He stated it was another successful Prom Promise and there were no reportable incidents following Prom.

Police Chief Jerome reported the Brookville Police Department handled 245 Reportable Incidents year-to-date, compared to 207 during this same time last year. Police Chief Jerome reported Citations are down a total of 9 Citations year-to-date, for a total of 148 Citations issued year-to-date. There were 144 traffic stops for April compared to 101 during April 2016.

Police Chief Jerome presented the overdose report. He stated there were 419 Heroin deaths in Montgomery County in April. He informed that is not an accurate number, it is a low number because not all areas are reporting. He stated Englewood, Union, and Oakwood do not report, so if you add in their numbers the total number of deaths would be a lot higher.

Police Chief Jerome informed they have recently learned the newest batch of Fentanyl will not be receptive to Narcan. This presents a major concern.

Police Chief Jerome informed the Officer Down Memorial is this Saturday, May 6. He informed the event starts and ends at the VFW. The event starts at 7:30 p.m. and a candlelight vigil will be held after the walk. The public is welcome to attend. He informed the t-shirts this year are very cool and will go quickly. The t-shirts list all 177 officers who were killed in the line of duty in 2016. He stated they are very powerful t-shirts.

Police Chief Jerome provided Council with a copy of his 5-year Capital Improvement Plan. He informed the main area he would like to highlight is the cost of their dispatch calls. He informed January 1, the cost for dispatch is estimated to increase approximately \$35,000 or 52%.

Police Chief Jerome reported he has been asked a lot recently about the news media coverage on one of our cruisers that was involved in an accident downtown. He stated this remains under investigation by another Department and he will report the findings as soon as he can. He stated it has taken one car out of our five-car fleet, which leaves us with four cruisers.

Member Duncan asked if on the Overdose Report if the number of repeat offenders can be given?

Police Chief Jerome stated they are lucky to get the numbers they have from agencies. He stated the numbers reported are ball park numbers and with four agencies not reporting that makes it harder to get accurate numbers. He stated we have had 10 this year and four of them have died. He informed in 2015 and 2016, we had zero.

Fire Chief Fletcher stated they rarely deal with people who are first time users.

Member Cantrell informed the event held recently in Dayton with Facebook CEO, Mark Zuckerberg, there was a comment made that this epidemic is worse than the Aids crisis was and it needs to have the attention that the Aids crisis had because this crisis is not going to just go away.

Member Kirklin stated so many people do not realize that we are right smack in the middle of where it is ranked to be worse nationally.

Police Chief Jerome stated agencies know that Dayton is a testing ground for all the new chemical concoctions. He informed when they have 20-30 people die in a weekend and the bodies are stacking up, it is not because of lack of enforcement. He stated that is what the Mexican Cartel is doing, they are using Dayton as a test site. Dayton is only 20 minutes away. He stated he is only telling the facts; we had four overdose deaths this year and zero the last two years. He stated people seem to use without their families even knowing what they are doing and it has nothing to do with us not catching them speeding or doing something wrong.

Police Chief Jerome stated their goal is to try to stop what they can. He informed he has increased patrol at the interstate and thinks it is important to keep an eye on things and to know who is coming on and off the interstate. He informed agencies are sharing information with each other. For example, common dealers. He has requested camera views on each side of the highway. He stated with cameras, we could gain additional help from dispatch and there are four or five other locations that he feels would be very beneficial to us. He stated we need other tools besides just people. He informed as he mentioned at the last meeting, we recently lost a full-time officer and are actively searching for a replacement. Chief Jerome stated crime is not going to drop anywhere. He stated what happens is to fund the drugs you have property crime like burglaries and car thefts. He stated if this is a national epidemic, which this is, then it is going to continue to rise. He stated as the Montgomery County Sheriff says at every press conference he does, "We can't combine this without people, it is not going to solve itself."

Law Director Stephan requested motion to advertise for bids for the Street Repaving Project this summer. He informed Poggemeyer Design Group, the engineering firm, have indicated they are ready for us to advertise for bids. He informed this is the first step in the project and then once we have received bids, depending on the cost, we can determine how many streets can be done.

Motion by Apgar, second by Cantrell to advertise for bids for the 2017 Street Repaving Project. All yeas, motion carried.

Law Director Stephan informed the second reading of proposed Ordinance No. 2017-05 is before Council. He reported the Planning Commission met and has reviewed this and recommended

Council approve Ordinance 2017-05 to prohibit Medical Marijuana retailers, cultivators and retail dispensaries in the City of Brookville. He informed it was a unanimous vote among Planning Commission Members.

Motion by Duncan, second by Apgar to read proposed Ordinance No. 2017-05. All yeas, motion carried.

Motion by Duncan, second by Apgar to approve the second reading of proposed Ordinance No. 2017-05 entitled, "AN ORDINANCE TO PROHIBIT MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND RETAIL DISPENSARIES IN THE CITY OF BROOKVILLE." All yeas, motion carried.

Law Director Stephan advised proposed Ordinance No. 2016-05 before Council tonight is to amend the City's Sign Code. He informed Planning Commission reviewed at their last meeting and has made a recommendation to amend the Sign Code. He informed this was a unanimous vote by Members of Planning Commission and this decision was reached after multiple discussions and review over the current Sign Code.

Motion by Apgar, second by Kirklin to read proposed Ordinance No. 2016-05. All yeas, motion carried.

Motion by Duncan, second by Henry to accept the second reading of proposed Ordinance No. 2016-05 entitled, "AN ORDINANCE AMENDING CHAPTER 1161 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Law Director Stephan informed Resolution No. 17-23, under New Business, is related to the reconstruction of Market Street. He informed this is the first step in the process to require owners to construct sidewalks and if they do not, then the City would construct and assess the cost. He stated this is the same process that we have used for many other street re-constructions in the past. He informed this is for the area from Salem Street to the current terminus and does not include the new area of Market Street. He requested Council dispense with the second and third readings and declare an emergency to notify the owners in a timely manner and construction can begin this summer.

Motion by Cantrell, second by Kirklin to read proposed Resolution No. 17-23. All yeas, motion carried.

Motion by Duncan, second by Henry to accept the first reading, dispense with the second and third readings and adopt Resolution No. 17-23 entitled, "A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING CERTAIN SIDEWALKS, CURBS AND GUTTERS IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Mayor Seagraves had no report.

In Old Business,

The Council Rules remained tabled.

In New Business,

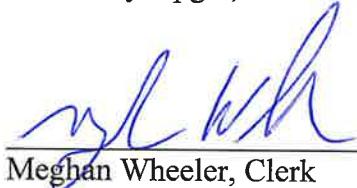
Member Duncan stated some Council Members have received a letter. He understands people have issues and concerns on different things, but if people do not provide their names or contact information, it is impossible to respond back. He informed he and other Members of Council received a letter listing three different issues and none of them are controlled by the City. He stated since there was no contact information listed, he can't respond back to the person and let them know. He stated Council cannot respond back to people if they do not list their name.

Eric Hummel, 117 Sycamore Street, stated his dad is 77 years old and he wanted to make a few comments on taxes. He understands when Parker Hannifin left it kind left the City with a shortfall of \$235,000. He stated he has read in the paper some of the things, Council and the Finance Department are doing.

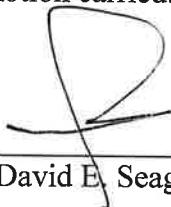
Mr. Hummel stated he recently pulled out a paper from a group decision making class from college and wanted to share. He informed that the form lists questions of policy that should be determined to help take actions in the future. He listed the questions are: 1.) What is the problem? 2.) Why is it important? 3.) Who does it affect? 4.) What criteria must be met to determine a solution and what are the principal requirements of the solution? 5.) How does the solution satisfy the criteria of the issues at hand? 6.) What are the disadvantages of such? 7.) How can the best solution be implemented? He informed it suggests recording all ideas and then implement the best solution and to be a problem solver you must be willing to accommodate ideas and suggestions and then make compromises. He stated while projecting for the future one must make decisions based on the current circumstances.

Mr. Hummel informed he recently had someone ask him about the Arlington Road Bridge. He stated he heard for the Arlington Road Bridge Project the City spent \$50,000. He stated he didn't know if that cost was for architectural plans, but he was told that the state will cover that cost if so. He is looking at it from a conservative point of view for his father who is 77 years old, retired and on a fixed income. Mr. Hummel stated Brookville is a growing community and is trying to encourage new businesses to come to help offset the shortfall of funds but we are not the population size of Englewood or Vandalia. He read that money coming to local cities from the State and Federal Governments are shrinking. He hopes that as the City grows and spends money they will do it from a conservative approach.

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



Meghan Wheeler, Clerk



David E. Seagraves, Mayor