

Brookville City Council
Regular Meeting
November 7, 2017

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

Roll Call by Clerk Wheeler.

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

Motion by Apgar, second by Cantrell to approve the Regular Council Meeting Minutes and Special Meeting Minutes of October 17, 3017.

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

Cindy Tietge, of the Brookville Historical Society, thanked Council for their continued support. She stated the grant money they receive from the City each year enables them to pay their bills. She informed they plan to run lights at the Spitler House for the upcoming Christmas tree lighting. She encouraged people to check out the Exhibit Building. She informed the Boy Scouts have created a display inside the Exhibit Building to honor their 100th Anniversary, which also qualifies them for their Heritage Badge.

Mayor Seagraves asked if the amount given last year was sufficient with the additional services to help with grass and snow removal.

Ms. Tietge stated yes, the amount worked just fine.

Finance Director Keaton informed Council Members have been provided a copy of the Historical Society's financial statement.

Member Cantrell asked if the painting was ever done at the Spitler House?

Ms. Tietge informed no, it still needs to be done. She stated there is always work that needs to be done.

Member Cantrell asked if the Service Department helped with mowing?

Ms. Tietge stated yes, it was very helpful.

Motion by Cantrell, second by Henry to approve a \$7,500 grant to the Brookville Historical Society's operating expenses for 2018 and the City will continue to coordinate with them on their grass and snow removal. All yeas, motion carried.

Mayor Seagraves thanked them for all they do and wished them luck.

Motion by Apgar, second by Henry to enter into Executive Session per ORC 121.22 (G) (1) to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official. All yeas, motion carried.

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

Motion by Henry, second by Cantrell to enter back into Regular Session. All yeas, motion carried.

Manager Burkholder informed the City resurfacing projects have been completed with a Change Order in front of Council tonight for approval due to hidden defects below the asphalt such as buried curb on Vine Street..

Manager Burkholder reported a Fire House update. He stated crews are finishing masonry work and working on finalizing the monument sign. He informed the IT is being coordinated with phone, security cameras and alarm installations. He stated work will commence on the installation of the parking lot, and drywall work continues.

Manager Burkholder reported a Market Street Update. He stated this project is substantially completed and working on the final punch list and placement of final shipment of ledge stone. He informed the ordering of nine lamp posts for street lighting will be done soon.

Manager Burkholder informed Staff is currently reviewing EPA comments on our application to renew our WWTP NPDES permit.

Manager Burkholder informed the Ohio Public Works Commission met on October 23rd to review the City's application for the Arlington Road Water Loop Project. He informed City officials attended and our project scored well. This project is both a health and safety project as well as an Economic Development Project.

Manager Burkholder informed the needed repairs to the caretaker's cabin have been completed. He provided pictures to Council.

Manager Burkholder informed scheduled park improvements for 2018 will include the construction and reconstruction of two basketball courts at Golden Gate Park and the construction of a pedestrian path from the Community Theatre to the pedestrian bridge over the Wolf Creek stream continuing east to the roadway in Golden Gate Park. He informed grant monies were received on both of these projects.

Manager Burkholder described Diamond 3 at Golden Gate Park has been regraded and reseeded with over 120 loads of topsoil from the fire station site.

Manager Burkholder gave thanks to the Montgomery County Economic Development Department for a great report on economic development in Brookville and the county. He informed jobs have been added to two of our major employers and we have a number of new small businesses in town. He stated the presentation went very well and was very insightful.

Manager Burkholder informed he attended the International City/County Management Association 103rd Annual Conference in San Antonio, Texas, with the 3rd largest attendance in the history of the organization, almost 4000 attendees. He informed the the theme was "Building Bridges to serve our whole community!"

Manager Burkholder stated Staff is continuing to work on the Safe Routes to School Project. He informed the application process will begin in the first quarter of 2018.

Manager Burkholder reported the 66th Annual Ohio Municipal League Conference in Columbus. He attended workshops on grants, infrastructure, the opioid crisis, and the centralized tax collection legislation.

Mayor Seagraves stated with the amount of rain received this past Sunday, the Staff for the Police, Fire and Service Departments should all be commended. He stated it was a full blown effort Sunday evening among the Departments. He stated Council gives a well deserved thank you to the City Staff. He stated rain that comes down that quick is certainly a challenge.

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

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

Finance Director Keaton requested Council approval for three Change Orders on the 2017 Paving Program. She informed Change Order #1 changes the completion date in the Contract from September 30, 2017 to October 30, 2017. Change Order #2 is for additional concrete and sidewalk work on Crosswell Avenue and Vine Street at an additional cost of \$2,575.92. Change Order #3 is for an additional cost of \$43,512.87 for the following: Additional curb and gutter; deduct for catch basin; additional excavation, subframe compaction, pavement repairs; deduct for pavement planing; additional aggregate base; deduct for non-tracking tack coat and stabilized crushed aggregate; additional asphalt concrete course, Type 1; deduct for asphalt concrete intermediate course, Type 2; deduct for curb ramp work; additional for combination curb and gutter work; additional catch basin with concrete collar; and additional mobilization. She informed these Change Orders present a net increase of \$46,088.79, changing the contract price from \$310,770.90 to \$356,859.69.

Finance Director Keaton informed proposed Ordinance No. 2017-13 is an Ordinance levying special assessments for the construction of curbs and gutters on Crosswell Avenue and Vine Street.

Mayor Seagraves asked for the reading of proposed Ordinance No. 2017-13 prior to approving the Change Orders to help explain where the monies will go.

Motion by Apgar, second by Cantrell to read proposed Ordinance No. 2017-13. All yeas, motion carried.

Finance Director Keaton requested Council dispense with the second and third readings and adopt proposed Ordinance No. 2017-13. She informed that will allow her to invoice the property owners this year, which in turn gives the property owner the option to pay their assessment in 2017 or assess the costs to their future property taxes.

Member Kirklin informed she lives on Crosswell. She stated she wanted it to be clear her curbs and gutters were not done and other residents on Crosswell paid to have their own curbs done. She stated there are some concerns with several streets in the City, not inclusive to Terrace Park where curbs were paved over in the past, which has created issues with drainage, and then freezing and deterioration. She stated she has a concern about assessing residents for potentially an issue the City could have created. She asked how can we identify that is the case and isn't the case and use that when assessing residents?

Manager Burkholder stated that will have to be a decision made by Council with the creation of some type of policy because the topic could be quite controversial if some are assessed and some are not. He stated he is having the Service Department take pictures to document and help Council be aware. He stated in some circumstances, it could be hard to determine exactly what caused the deterioration. He suggested some sort of standard set so that everyone feels the process is done fairly.

Mayor Seagraves stated this is the type of Ordinance always put out when an improvement is done to a particular roadway.

Member Kirklin stated just because we have always done something doesn't mean it is what we should continue to do. She stated there should be some delineation. She stated she wanted this brought up in open session so that everyone would start thinking about it and what can be done about it. She stated at some point some standard work needs to be done before determining what needs to be done.

Manager Burkholder stated we have major challenges ahead of us. He stated if you drive around town you can see some of the areas that really need improvement. He informed there is storm water getting into sanitary sewer, which makes our plant run even more and can make us non-compliant with the Ohio EPA. He stated there are some serious manholes throughout town. He stated there is a tremendous amount of infrastructure needs that will have to be a 10 year plan and folded into the budget. He stated the City will need the support of the community in order to deal with these issues. He stated the Pavement and Road Assessment Plan, including a road inventory, has been started. Manager Burkholder informed these project will require a lot of investigative work take place.

Member Kirklin stated her point is we need to have start with standard work and make sure we do the exact same thing on every street every time.

Manager Burkholder stated these are some of the items that will need to be on the capital improvements list being worked on for next year. He stated next year, he sees us not doing as much repaving and instead looking at the water and sewer needs and curb replacements. He remained that before doing curb replacements, we have to have enough funds to replace the curb in case residents don't pay the total upfront and decide to spread the cost out over a few years.

Member Kirklin stated it would be interesting to get the opinion of our engineers and see what their thoughts are on curbs being paved over and the possible impact it can have in the future and then take their opinions into consideration in the future when we across the board just assess the citizens on specific streets in the City where curbs have been paved over.

Mayor Seagraves asked if Council wants to move forward with proposed Ordinance No. 2017-13?

Member Kirklin stated if she understands correctly, what is on the table tonight is the assessment to the citizens.

Finance Director Keaton stated yes, for those two streets.

Motion by Letner, second by Cantrell to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2017-13 entitled, "AN ORDINANCE LEVYING SPECIAL ASSESSMENT FOR THE CONSTRUCTION OF CURBS AND GUTTERS IN THE CITY OF BROOKVILLE." Member Kirklin vote nay. Motion carried with 6 yeas and 1 nay.

Motion by Letner, second by Apgar to approve Change Order #1 which changes the completion date in the Contract from September 30, 2017 to October 30, 2017, Change Order #2 for additional concrete and sidewalk work on Crosswalk Avenue and Vine Street at an additional cost of \$2,575.92 and Change Order #3 for an additional cost of \$43,512.87 for the following: Additional curb and gutter; deduct for catch basin; additional excavation, subframe compaction, pavement repairs; deduct for pavement planing; additional aggregate base; deduct for non-tracking tack coat and stabilized crushed aggregate; additional asphalt concrete course, Type 1; deduct for asphalt concrete intermediate course, Type 2; deduct for curb ramp work; additional for combination curb and gutter work; additional catch basin with concrete collar; and additional mobilization and presents a net increase of \$46,088.79, changing the contract price from \$310,770.90 to \$356,859.69. All yeas, motion carried.

Finance Director Keaton informed Staff has decided on Tuesday, November 28, 2017 at 6:30 p.m. to hold the Budget Work Session.

Motion by Cantrell, second by Apgar to schedule the Budget Work Session on Tuesday, November 28, 2017 at 6:30 p.m. All yeas, motion carried.

Manager Burkholder reminded the Budget Work Session is open to the public and invited the public to attend. He informed it will be done similar to last year and the Department Heads will present on their individual Departments.

Fire Chief Fletcher presented the October Operations Report.

Fire Chief Fletcher stated all Departments, Police, Fire and the Service Department were very busy with Sunday's rain. There were several incidents related to high water. He informed they were able to utilize Hyper Reach System. He informed the system made almost 2,500 calls in a matter of minutes and 1,900 were successful. He stated the 600 non successful calls were due to a phone number change. 300 successful emails were also sent with the same message. He stated there is an issue with high water rising on Upper Lewisburg Salem Road and Calmer Ernst Boulevard. He described a car was stuck in high water at that location and had to send a response team to rescue someone because the water was above the hood of the car. Chief Fletcher stated this is the third time that he can think of this calendar year with significant flooding in that location. He stated this is not an easy problem to get fixed because of the flood water coming from land in Clay Township into the City but ultimately a better solution has to be determined for that location before someone is seriously injured.

Mayor Seagraves stated he and Manager Burkholder are working on setting up a time to meet with Soil and Water and Clay Township to discuss this issue.

Police Chief Jerome reported the Brookville Police Department handled 652 Reportable Incidents year-to-date, compared to 564 during this same time last year. Chief Jerome reported Citations were up a total of 50 Citations year-to-date, for a total of 434 Citations issued year-to-date.

Police Chief Jerome stated he recently did a Letter to the Editor that will be in the Brookville Star tomorrow to thank everyone for their help and generous donations with the Ghostly Night Out. He stated moving the event inside because of the cold weather, was definitely the right thing to do. He stated Ghostly Night Out is their biggest community event of the year and they received great community response again this year. He informed they estimated about 1,500 people attended the event.

Police Chief Jerome reported Trick-or-Treat was a success, no reportable instances. He informed his Department dealt with a few areas of possible concern in creative ways. He stated he was very pleased with how Trick-or-Treat went.

Police Chief Jerome informed the Montgomery County Sheriff's Office, Larry Lane did what he does annually for us with the Fingerprint ID Program. He informed Larry Lane did 140 students today, all kindergarteners and new students. He stated this is a tremendous cost saves to us. He explained all the materials go home directly to the parents and the Police Department does not keep any part of it, but in case something would happen, the parents could bring the cards back to the Police Department. He stated this is an invaluable program and the Sheriff's Department really takes care of us by doing this program.

Police Chief Jerome stated in 22 years, he has never seen Golden Gate Park flood all the way to the split rail fence like it did last weekend, it was unbelievable.

Police Chief Jerome informed this week is the Annual Veterans Day lunch on Friday, November 10, following the Veteran's Day program at the school. He informed the CTC Criminal Justice Class sends 25 students to help. He stated he is also proud to say, his Department has teamed up with Clay Township on the event. He informed the businesses of Clay Township have donated enough money to pay for the entire lunch at Rob's Restaurant. He stated that is a huge relief and the veteran's lunches are completely taken care of and paid for.

Police Chief Jerome informed this Saturday is the Feed Brookville Thanksgiving lunch. Again, CTC Criminal Justice students will help with the event. He informed the Poice Department Staff donates their time and they are all very excited for the event.

Police Chief Jerome informed December 2, will be the 19th annual Breakfast with Santa sponsored by the Brookville Rotary. He stated it is always a fun, great event.

Mayor Seagraves stated Ghostly Night Out was packed with people and had a great turnout. He thanked Superintendent Hopkins for allowing the use of the high school in order to move the event indoors because of the cold weather.

Law Director Stephan informed an amended version of Ordinance 2017-07 on trees and shrubs in the public right-of-way was submitted to Planning Commission and approved by Planning Commission at the October Planning Commission Meeting. In Section 503.08(d) as amended, the City Manager and Staff will develop standards for planting in the public right-of-way that will be submitted to City Council for approval. Property owners will then apply for a permit, and the proposed planting will be reviewed to determine if the planting is in compliance with the standards. This process of adoption of standards and issuance of permits in compliance with the standards is based on a similar Ordinance of the City of Englewood. He provided a copy to City Council with his memorandum. He stated the amended version of Ordinance 2017-07 was also submitted to City Council with his memorandum. Law Director Stephan advised the amended version of Ordinance 2017-07 is before City Council for a second reading and prior to the reading, a Motion to approve the amendments to the Ordinance as recommended by Planning Commission would need to be approved by City Council.

Law Director Stephan advised Staff will work on the regulations to go with the Ordinance and would present to City Council.

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

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

Member Letner asked if this will be a fee based permit?

Manager Burkholder stated it needs to be looked into and determined. He informed other jurisdictions have made it fee based and there will be time spent by the Zoning Inspector on inspecting the property.

Member Cantrell stated it was discussed at Planning Commission to have a nominal fee but nothing outrageous. She asked if the fee would be part of the regulations?

Manager Burkholder stated yes, a fee should be a part of the regulations. He stated it should be like any other permit applied for. He stated if we are going to come up with an approved tree list, then we have to enforce it.

Member Apgar asked if a certified arborist will be included to help in the process?

Manager Burkholder stated we should have a certified arborist consult the City, he has seen it done it other Cities to help determine what is appropriate for the certain areas.

Member Cantrell informed by having the regulations, they can be changed if needed without having to change the Ordinance itself.

Law Director Stephan informed based on what he has drafted no fee is listed. He informed Englewood has no fee, but it will have to be determined at a Staff level and the brought back to City Council for approval.

Motion by Cantrell, second by Apgar to accept the second reading of proposed Ordinance No. 2017-07 entitled, "AN ORDINANCE AMENDING SECTIONS 503.05 THROUGH 503.08 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO REGULATE TREES AND SHRUBS IN OR ADJACENT TO THE PUBLIC RIGHT OF WAY." All yeas, motion carried.

Law Director Stephan informed that at its October Meeting, Planning Commission approved the proposed rezoning of the property at 304 Hay Ave. He informed Ordinance No. 2017-09 is now before City Council for a second reading. He stated in addition, Planning Commission approved the subdivision record plan for this project, which will take 30 feet off of the east side of the lot at 304 Hay and add the 30ft to the property at 316 Hay Avenue for additional parking area for the auction facility on that lot.

Law Director Stephan requested Council approve the second reading of Ordinance 2017-09 for the rezoning, and dispense with the third reading. He also requested that Council approve by Motion the subdivision record plan to subdivide the property.

Member Duncan asked if since the Charter Amendment was changed on zoning and taxes, are they allowed to dispense with the third reading?

Law Director Stephan advised it is not being declared an emergency, the Ordinance will not be effective for 30 days, so if someone wanted to do a referendum or file legal action, they still have 30 days to do so. He informed the only reason it is being asked to dispense with the third reading is because the property owner would like to move forward. We still have 30 days before the subdivision plat will be signed and Montgomery County's approval is needed. So, this speeds the process up two weeks by not needing a third reading.

Motion by Apgar, second by Cantrell to read proposed Ordinance No. 2017-09. All yeas, motion carried.

Motion by Cantrell, second by Apgar to accept the second reading, dispense with the third reading and adopt Ordinance No. 2017-09 entitled, "AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF HE PROPERTY LOCATED AT 304 HAY AVENUE AND KNOW AS LOT 2644 OF THE CONSECUTIVE MEMBERS OF LOTS OF THE CITY OF BROCKVILLE, OHIO FROM IT'S PRESENT CLASSIFICATION OF I-1 LIGHT INDUSTRIAL TO THE NEW CLASSIFICATION OF OFFICE RESIDENTIAL DISTRICT." All yeas, motion carried.

Motion by Cantrell, second by Apgar to approve the Flory Plat Subdivision as presented. All yeas, motion carried.

Law Director Stephan informed proposed Ordinance No. 2017-12 will establish the Market Street Extension Lighting District. He stated a plan has been developed for street lights on the extension of Market Street, and this Ordinance will create a lighting district for the area and approve the lighting plan for the area. He stated it is anticipated that the City will assess property owners for the costs of street lighting in this area when the street lighting is installed.

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

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

Law Director Stephan reported the City has received a proposed Agreement from the Montgomery Board of County Commissioners for a Community Development Block Grant in the amount of \$115,000. He informed this grant will be to assist with the water infrastructure improvements needed in the NorthBrook Industrial Park to assist Payless and the other business there. He requested Council approval to allow the City Manager to execute the Agreement.

Member Duncan asked if need matching funds?

Law Director Stephan advised this is a straight grant, we do not need any matching funds.

Motion by Cantrell, second by Henry to authorize the City Manager to execute the Agreement with the Montgomery Board of County Commissioners for a Community Development Block Grant in the amount of \$115,000. All yeas, motion carried.

Mayor Seagraves reminded everyone that when the City receives grant money like this, the City does not have to pay it back, usually the money must be spend on a designated project but the City does not have to reimburse back to anyone.

Mayor Seagraves thanked the Police Department for Ghostly Night Out. He reminded the Veteran's Day Service starts at 10:00 a.m. at the high school and usually takes approximately 35-40 minutes. He stated it is always a great service to honor our Veterans.

In Old Business,

Motion by Apgar, second by Kirklin to read proposed Resolution No. 17-36. All yeas, motion carried.

Motion by Apgar, second by Kirklin to accept the third reading of proposed Resolution No. 17-36 entitled, "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR PERMANENT PART-TIME, CONSTRUCTION INSPECTOR, PART-TIME DEPUTY CLERK I HOURLY CITY EMPLOYEES." All yeas, motion carried.

Motion by Apgar, second by Kirklin to read proposed Resolution No. 17-38. All yeas, motion carried.

Motion by Apgar, second by Kirklin to accept the third reading of proposed Resolution No. 17-38 as amended entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CLERK OF COUNCIL." All yeas, motion carried.

In New Business,

Council Members discussed rescheduling the January 2, 2018 Council Meeting due to being right after New Year's Day on January 1. Consensus of Council Members was to leave the Meeting as scheduled for Tuesday, January 2, 2018.

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

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

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

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

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

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

Dave Monnin, President of the Brookville Park Board, informed the Optimist Pumpkin Walk last weekend went extremely well and was very well attended.

Mr. Monnin stated he is hoping for good weather tomorrow, since Park board will start hanging up Christmas Lights for the upcoming Christmas in the Park Event. He informed Park Board has ran out of money and are currently looking for donations. He informed they will need to hire someone to hang the lights on the big gazebo. everything else in order for the event. He thanked his fellow Park Board Members for all of their hard work on this event.

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

Troy Bodine, of 87 Rock Street, stated he is representing the homeowners on Rock Street and Western Avenue behind Westbrook Park. He informed they have complained about the flooding issues since the park was built. He described there is a 12 inch pipe that runs through the park and empties into a four or six inch pipe and then into another 10-12 inch pipe, but the 4-6 inch pipe in the middle just cannot hold the amount of water that comes through it. He informed every City employee that has ever come out and looked at the issue can't seem to figure how to solve the problem, all they want to talk about is the size of the pipe. He stated they have complained to City Council and City Staff over the years and the issue seems to have fallen on deaf years. He presented pictures to Council Members of the flooding in the area. He stated the park floods on every storm, not just significant storms. Mr. Bodine stated what is there cannot control the amount of water that they get. He stated his yard floods every time there is rain. He described in the pictures he presented, there is probably five feet of water shown in the picture. He described stagnant water and lots of mesqitoes because of the drainage issues and flooding.

Mr. Bodine stated that something similar happened on Maple Street a few years ago and it was fixed. He stated this is probably their third time at a Council Meeting, former Service Department employees, as well as current Service Department employees have been out to look at the flooding and they are always told it will be looked into, but nothing is ever done. He asked what they need to do to get this flooding issue fixed. He asked if he should get an attorney or contact the news media. He stated he knows for a fact ex-City employees would back them up on the issue. He stated he does not want it to come to that, he just wants the situation rectified and would like to be able to sit outside and enjoy is yard.

Mayor Seagraves thanked him for his comments but wanted to clarify a few things. He stated it's sad that the ex-employees he previously mentioned that would back him up, had an opportunity to correct the issue and didn't.

Mr. Bodine agreed and stated he is just tired of being lied to.

Mayor Seagraves stated he wanted to be very clear that Mr. Bodine referenced the drainage that came down Gaines Street and if Mr. Bodine is assuming that because the Mayor lives on Maple Street, it was corrected immediately, then he is wrong. He stated the water coming from the

drain on Albert, the piping was old clay, and it just shattered all the way down and there was no other option but to fix it.

Mr. Bodine stated there is water that sits 365 days a year and never goes away, the water just sits there.

Member Duncan asked if a trench was put in there in the past?

Mr. Bodine stated yes.

Discussion followed on the amount of standing water shown in Mr. Bodine's pictures.

Member Kirklin asked how long it would take for the City Manager to look at the situation, try to determine a solution and a proposal on the cost to rectify.

Manager Burkholder informed will need a professional engineer's opinion on the issue. He stated storm water is the hardest creature to try to tame. He stated he would like to personally come out and meet with Mr. Bodine to see the issue for himself.

Manager Burkholder stated problems like this can be costly to repair and the City will need the support of the community when it comes to funding, particularly on storm water. He suggested we may need to establish a Storm Water Fund. He informed we were already required to set up a storm water plan, which we have already started by filing the paperwork last January. He informed there are also other areas of the City experiencing flooding issues which need to be resolved as well.

Mr. Bodine informed it is also hard for the area to be mowed because it always so wet.

Manager Burkholder asked him to give him 30 days to research the issue, contact an engineer and look into a solution. He stated it will cost money and we need to define the problem. He stated hopefully we can take an isolated problem and use it to correct a much bigger problem.

Discussion followed on drainage issues and sizes of the pipes underground.

Manager Burkholder stated he will contact an engineer. He asked Mr. Bodine to leave his contact information.

Mayor Seagraves stated it is inexcusable this issue has gone on for as long as it has and a solution needs to be determined. He agreed with Manager Burkholder that an engineer needs to be called out for a professional opinion.

Bruce Garber, of 434 Sycamore Street, asked what right-of-way actually means in proposed Ordinance No. 2017-07?

Law Director Stephan advised if a tree is in your yard and the leaves or branches are hanging over a sidewalk or half falling down, and is a danger to pedestrians or falls into the street, the City can notify the homeowner to trim or remove the tree. He informed that the Ordinance only requires permits for trees in the right of way; the City is not getting in the business of deciding what tree someone should put in their yard.

Mr. Garber asked the difference between Resolution No. 17-38 and Resolution No. 17-41?

Mayor Seagraves informed those Resolutions are two different Resolutions because of a change of job description.

Manager Burkholder informed each year a new pay Resolution is passed that is effective for that year. He explained Staff is trying to ensure there is time for three readings before the end of the

year, plus these changes will be incorporated into the 2018 Budget.

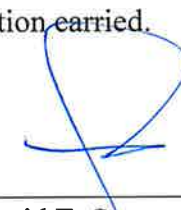
Mayor Seagraves informed Council has typically passed these type of Resolutions in emergency format, but this time there will be three readings.

Member Cantrell stated in honor of Dottie Watkins, she has home made cookies for Election Day.

Mayor Seagraves thanked everyone for coming.

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



Meghan Wheeler, Clerk

David E. Seagraves, Mayor