

Brookville City Council
Regular Meeting
November 21, 2017

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on November 21, 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 Apgar, second by Duncan to approve the Agenda as presented. All yeas, motion carried.

Motion by Apgar, second by Kirklin to approve the Regular Council Meeting Minutes of November 7, 2017.

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

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

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

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

Manager Burkholder reported a Fire House update. He stated there is still some masonry work to be completed. Windows and overhead doors are in the process of installation. The rough course of asphalt was installed last week. The heat is on in the admin bay. IT coordination is in the process including the security configuration. The facility generator is to be installed in December. He informed the generator was purchased with the Ohio Safety Grant. He provided Council with an updated picture of the new fire station. He informed the project should be completed by May or June 2018 contingent upon the weather.

Manager Burkholder reported a Market Street Update. He stated this project this project is substantially completed. He informed crews are working on the final punch list. The placement of the final shipment of ledge stone remains pending contingent upon dry weather. He informed Staff is exploring a contract to remove and grade the tree line west of the detention pond. Lamp posts for the street lighting are pending. He stated he and Staff have met with the commercial lot property owner to discuss development of new Market Street and met with AmVets officials regarding the restoration of their paved parking lot.

Manager Burkholder reported he met with residents to discuss the flooding at Westbrook Park. He informed this has been a problem for 20 years according to the residents in that area and the Service Department staff. He stated this is really a regional problem and it is going to take a comprehensive analysis to rectify the situation.

Manager Burkholder informed Staff is working on their operations and capital improvement budgets for the November 28th Work Session.

Manager Burkholder described the Service Staff has been working to string lights for the Annual Chamber's Christmas Tree Lighting on November 29 as well as helping Park Board hang lights

at the gazebo in Golden Gate Park for the upcoming Christmas in the Park event.

Manager Burkholder reported he and Staff are Continuing to work on the Safe Routes to School Project. ODOT has contacted a consultant to assist in the preparation of a Safe Travel Plan which is required in order to apply for construction funds. He informed there is legislation before Council tonight to authorize him to continue to move forward with this process and be able to apply for construction funds.

Member Cantrell asked if there are limits for funding that can be applied for?

Manager Burkholder informed yes. He informed it is based on how many school buildings you have and we would be in the category for up to \$15,000. He stated last year the total that could be applied for in construction funds were \$400,000.

Member Cantrell asked if that is a grant or a loan?

Manager Burkholder informed we would be applying for a federal grant.

Member Kirklin asked if the route has already been established?

Manager Burkholder informed not yet, that is part of the Safe Travel Plan that still needs to be done.

Member Kirklin asked if thoughts and input can given to the consultant?

Manager Burkholder stated absolutely. He informed Staff already has a few ideas and any suggestions that can be forwarded along to the consultant are welcome and he definitely wants input from the schools as well. He stated once he knows all of the guidelines and criteria that needs to be met, he will update Council. He stated estimates will also need to be done as part of the planning for the Safe Travel Plan.

Member Cantrell suggested maybe the topic of the Safe Routes to School Project could be included in one of Manager Burkholder's Coffee with the City Manager gatherings to help keep the residents updated.

Manager Burkholder agreed.

Member Kirklin informed the school has started a Swat Analysis Program and a piece of that program is communication and community outreach. She stated their next Meeting will be in December and asked what the turn around time would be to turn information into the consultant?

Manager Burkholder stated he does not know yet, he has not spoken with the consultant directly. He informed this has all taken place just within the last few days. He stated he will be reaching out to see exactly what the next step would be. He will keep Council informed of the process.

Manager Burkholder stated he attended the Brookville Area Chamber of Commerce Annual Dinner with Mayor Seagraves.

Manager Burkholder reported the home at 269 Foothill Drive has officially been sold. He informed the closing on the home was Friday, November 17, 2017.

Member Cantrell stated great job on the home, the new owners have basically purchased a new home.

Member Duncan asked if the detour map for the closing of the Arlington Road Bridge will be sent out to our Businesses, like Payless as soon as possible?

Mayor Seagraves stated a detour map will be sent to our businesses. He informed he and Manager Burkholder have already met with Payless to give them the heads up. He stated the detour map was just recently received and it will be distributed as soon as possible to as many people and businesses as possible.

Manager Burkholder informed the map will be distributed and eventually be on the City's website. He stated it will also be discussed at the upcoming Annual Business Breakfast in January.

Discussion among Council on possible detour routes.

Finance Director Keaton requested Council approval to amend Change Order #3 on the 2017 Paving Program that was approved at the last Council Meeting. She informed at the last Council Meeting, she requested Council approval on Change Order #3 at an additional cost of \$43,512.87 for additions and deductions to the quantities in the bid. She requested Council approve Change Order #3 at the adjusted amount of \$42,832.87, which is \$680 less than what was approved at the last Meeting. She informed this adjustment is due to a homeowner requesting additional curb replacement directly with the contractor, which the City was not aware of until after the invoices were mailed out.

Motion by Apgar, second by Henry to amend Change Order #3 on the 2017 Paving Program at the adjusted amount of \$42,832.87, which is \$680 less than what was previously approved due to a homeowner requesting additional curb replacement directly with the contractor, which the City was not aware of until after the invoices were mailed out. All yeas, motion carried.

Finance Director Keaton requested Council approve the adjustment to the ambulance transportation fees for 2018. She informed the Center for Medicare and Medicaid Services recently released The Ambulance Inflation Factor for 2018 and approved a 1.1% rate increase for EMS Services.

Motion by Cantrell, second by Henry to approve the adjustment to the ambulance transportation fees for 2018 at a 1.1% rate increase for EMS Services. All yeas, motion carried.

Finance Director Keaton reported the City received the \$12,448 payment from Montgomery County on the Johsenville-Brookville STP Project.

Finance Director Keaton informed Rumpke will be mailing out their flyers soon to our residents announcing the change in pickup from the City to Rumpke beginning January 2, 2018.

Finance Director Keaton requested Council approve the first reading of proposed Resolution No. 17-42, which allows an advance on taxes collected by the Montgomery County Treasurer in 2018 for tax year 2017.

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

Finance Director Keaton informed this Resolution allows us to collect an advance of taxes collected by the Montgomery County Treasurer in 2018 for tax year 2017. She informed this resolution allows the city to receive weekly distributions once the real estate taxes are paid instead of waiting to receive a lump sum payment in April and September. She stated we have been doing this for twenty plus years.

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

Motion by Apgar, second by Kirklin to read proposed Resolution No. 17-43. All yeas, motion carried.

Finance Director Keaton requested Council accept the first reading and dispense with the second and third reading and adopt proposed Resolution No.17-43, which amends the 2017 Appropriations and Estimated Resources.

Motion by Apgar, second by Cantrell to accept the first reading, dispense with the second and third readings and adopt Resolution No. 17-43 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 OT THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW." All yeas, motion carried.

Fire Chief Fletcher had no report.

Police Chief Jerome reported the Brookville Police Department handled 670 Reportable Incidents year-to-date, compared to 590 during this same time last year. Chief Jerome reported Citations were up a total of 68 Citations year-to-date, for a total of 460 Citations issued year-to-date.

Police Chief Jerome reported there was an unfortunate incident at Clark's Pharmacy last weekend. He stated this was another negative opportunity we have from the nearby interstate. He informed no one was injured, the incident was just a little more violent than what we are used to. He stated his Department is working on it. Chief Jerome stated he was disappointed with a few comments that were made on Facebook regarding the incident. He stated the Police Department puts things out there on Facebook because they want people to know what is going on. He stated if people were in actual danger, his Department would certainly make it known, for instance, with a hyper reach call. Police Chief Jerome stated safety is their number one priority and each case is evaluated individually.

Police Chief Jerome reported the Veteran's Day Lunch and Feed Brookville Thanksgiving lunch was very successful.

Police Chief Jerome informed they have a lot up events coming up to finish off the year. He stated his Department is getting ready for the upcoming Christmas tree lighting, Toys for tots and they will also be adopting families again for Christmas.

Police Chief Jerome stated he will continue to stay positive and keep his staff positive.

Mayor Seagraves complimented Chief Jerome and his Staff on an excellent Feed Brookville. He stated there was a great turnout and he thanked the CTC students for their helped as well.

Police Chief Jerome informed MVCTC sent 10 students to help with the Feed Brookville event and 25 students to help with the Veteran's Day lunch at Rob's Restaurant. He informed they also sent students to help out on Trick-or-Treat night. He stated all of these things help our Police Department and saves a tremendous amount of money plus it helps the students gain experience as they are pursuing the thought of becoming a Police Officer. He stated right now, CTC has one of the most mature group of students he has ever seen. He stated the students at the Miami Valley Career Technology Center are outstanding.

Member Cantrell stated the beauty of it is, the turkeys are made by people in the community and brought in for lunch all carved and ready to go, then are served by the Police Department to other people in the community and then additional people come in and help clean up after the event. She stated this is such a great way to see the benefits of Community Policing and to continue that policy.

Law Director Stephan informed it was discussed at the last Council Meeting about whether a permit fee would be charged or not in proposed Ordinance 2017-07 on trees and shrubs. He stated it would be easier to make a minor change to the text of the Ordinance to remove the reference to no fee being charged. He stated by doing this now, then when regulations are presented to Council in near future, Council can decide on a permit fee and then if it needed to be changed in the future, it would be much easier to do instead of having to re-do the entire Ordinance.

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

Motion by Cantrell, second by Apgar to accept the third reading and adopt 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" with the Amendment that the language regarding permit fees be removed from the Ordinance. All yeas, motion carried.

Law Director Stephan advised the approval of the revised Clay Township Fire Contract is on tonight's Agenda under New Business. He informed the new contract will be a two-year contract that will commence on January 1, 2018 and continue until December 3, 2019. The contract will incorporate the new fire area boundaries that Staff has been working on with Clay Township over the last year and has been agreed upon by the various Townships and entities involved. He informed the administration fee of 1.5% has also been removed from the original contract and no longer being paid under the new contract based upon the prosecutors opinion of the legality of it and a determination has been made that we are not paying the fee any longer. Law Director Stephan advised everything else in the contract is the same as the last contract Council approved.

Manager Burkholder informed Council previously approved this contract but since there were minor changes made he wanted Council to reprove. He stated the renewal of two years instead of one will help us to be on the same schedule at Phillipsburg and Verona's renewal with Clay Township. He informed he will also be in touch with Perry Township soon to review and renew our contract with them as well. He will keep Council informed as Staff moves forward with the Perry Township Fire and EMS Contract.

Motion by Kirklin, second by Cantrell to approve the revised Clay Township Fire and EMS Contract. All yeas, motion carried.

Mayor Seagraves Mayor Seagraves stated he is happy to report last Thursday, the Planning Commission received the presentation on the old BP gas station and a new design is now being worked on with their architect. He informed construction will begin soon on a new gas station with a restaurant, which it is still to be determined exactly what type of fast food restaurant will be there.

Mayor Seagraves informed once the Arlington Road Bridge is complete the Speedway on Triggs Road will be getting a remodel and a cafe will be added inside. He stated a lot of changes will be going on in that area, but it will all will be positive for the community.

Curt Schreier, of the Brookville Planning Commission stated the plans were very nice and the new building will be a big improvement for the area.

Mayor Seagraves stated he knows the citizens are tired of looking at that abandoned building. He stated it has been such an eyesore coming off the interstate for so long.

Manager Burkholder commended Law Director Stephan and the City Staff on all of their hard work. He stated for the last two years they have worked on this solidly and it will be a happy day once it is all finished and new.

Mayor Seagraves stated a great job by Staff.

Mayor Seagraves wished everyone a Happy and safe Thanksgiving.

In Old Business,

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

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

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

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

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

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

In New Business,

Motion by Kirklin, second by Henry to read proposed Resolution No. 17-44. All yeas, motion carried.

Member Duncan asked if the reason for the emergency is because of the application time?

Mayor Seagraves stated yes.

Motion by Duncan, second by Kirklin to accept the first reading, dispense with the second and third readings, declare an emergency and adopt Resolution No. 17-44 entitled, "A RESOLUTION AUTHORIZING APPLICATION FOR SAFE ROUTES TO SCHOOL TRAVEL PLAN DEVELOPMENT, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Cantrell, second by Kirklin to read proposed Ordinance No. 2017-14. All yeas, motion carried.

Finance Director Keaton stated This Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the Municipality, the emergency being the immediate necessity to approve and distribute current Replacement Pages to the Codified Ordinances so as to facilitate administration, daily operation and avoid practical and legal entanglements; and it shall therefore take effect immediately upon passage by two-thirds of the Members of Council.

Mayor Seagraves stated this Ordinance is something done annually.

Motion by Duncan, second by Kirklin to accept the first reading dispense with the second and third readings, declare an emergency and adopt Ordinance No. 2017-14 entitled, "AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Member Kirklin congratulated the High School Drama Club on their most recent production. She stated a great group of kids who did a great job and worked very hard. She stated in all four of the productions put on, they only had about 40 people in attendance. She stated back in the day, those seats would be standing room only and she would love to see the community embrace the creative endeavors of our youth. She stated there are lots of things these kids could be doing in the evening hours other than rehearsing and preparing for a production.

Member Kirklin stated she also wanted to congratulate the Brookville Community Theatre and director Sherron Henry on a wonderful show that just wrapped up.

Mayor Seagraves stated most all the shows at the Community Theatre were sold out. He stated it is great for the City to have people come in from all over the area to see a show in our Community Theatre. He stated there is probably not a lot of other communities our size that have a Community Theatre like we do.

Mayor Seagraves reported the Apple Pie Awards were recently given out and the recipients seemed very excited.

Dave Monnin, President of the Brookville Park Board, informed Park Board has been busy putting up Christmas lights for their upcoming Christmas in the Park Event and they are finally almost done. He stated on behalf of the Park Board, they wish everyone a Happy Thanksgiving.

Bonnie Cordes, of Park Board stated the event planning seems to be going pretty well. She described Santa and Mrs. Clause will be there and a Christmas tree has been donated for Shelter number 3 and the elementary kids will be making decorations to place on that tree. She informed they have delivered flyers to the local businesses. Cookies and hot chocolate are being donated. She stated lights will be hung along the fence on Upper Lewisburg Salem Road and lights around the small gazebo by the pond and hopefully, they will have enough lights to put around the fence of the castle playground also. She stated they are very excited for the event and so many people have donated their time, money, Christmas lights, etc. Ms. Cordes stated hopefully, it goes well this year and they will be able to do it again next year even better. She reminded the event will be held on Friday, December 1, 2017 and the Christmas lights will stay on the month of December.

Mayor Seagraves informed he attended the Veteran's Memorial Service at Gateway Park last week. He stated it was a first class event and the scouts did a great job. He stated it was a tremendous exercise, a job well done overall and well attended. He stated the memorial at Gateway park is so beautiful.

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

Kim Cheatham, of 565 Adrian Court, asked what was the total amount spent on the Foothill home and does the total include the amount of time spent by the Service Department and City Manager?

Manager Burkholder stated all of the figures are still being calculated but the final selling price was \$97,000.

Ms. Cheatham asked how much money was put into the home? She stated last she heard it was over \$100,000.

Manager Burkholder stated that is correct plus closing costs. He stated off the top of his head, he cannot say the total for time contributed by the Service Department. He stated he did not charge any of his time to the project.

Ms. Cheatham stated that Manager Burkholder has mentioned several times that he has spent a great deal of time on the project.

Manager Burkholder stated he did spend a tremendous amount of time on the project. He informed every single week he was on site and constantly worked with Lowe's and the various vendors trying to coordinate each step of the project to get it closed. He informed there were a lot of final punch list items that also needed resolved.

Ms. Cheatham stated she wants to know the final cost at the end as far as what the taxpayers paid for.

Law Director Stephan advised we do have the closing numbers.

Ms. Cheatham stated obviously we took a loss on this project.

Law Director Stephan advised the home sold for \$97,000. The City paid \$51,000 back to the Montgomery County LandBank Program and netted approximately \$40,500 after closing. He stated he does not have the exact numbers in front of him but can get Ms. Cheatham that information.

Mayor Seagraves stated in regards to Ms. Cheathams's comment about taking a loss, there are a few different opinions to look at on the situation. He stated the neighbors on that specific street probably wouldn't look at it as losing since it helps out their property values as well.

Ms. Cheatham she was told in the past not to worry that the City would not lose money on this project but in her opinion, we did lose money.

Ms. Cheatham stated it was referenced earlier during this Meeting that a consultant would be worked with to determine the safe routes to school travel plan and if so, how much will that cost?

Manager Burkholder informed the City is eligible for up to \$15,000 but what he wants to verify with ODOT is what are the exact costs of the consultant because the City would be responsible for any costs associated above the \$15,000. He stated before anything is signed, he will bring all of the information before City Council. He stated this project has been brought up by several residents, Council Members and Staff to help with the safety of our children.

Manager Burkholder stated it was always the City's objective to break even on the Foothill Project. He stated he is very proud of the work done on the Foothill home. He informed the work was done right, and it was done safely and almost everything inside is now brand new. He informed the original asking price was \$105,000 and the best offer we received was the \$97,000 which also had to go along with the appraisal done. Manager Burkholder stated he is proud of the project and the positive contribution to that neighborhood. He stated himself and the Council tried to get as much as possible out of the project.

Ms. Cheatham stated she is disappointed there was never a specific budget for the project.

Manager Burkholder stated it was said numerous times that the total for the project would be about \$100,000. He informed since we subcontracted with various contractors we had to obtain estimates first and then put everything together. The last portion of the project was the contract we had with Lowe's for approximately \$49,000 which finished off the project and how the total cost was established. He stated we couldn't give an exact figure until all of the various estimates were received to complete the project but all along it was thought to be approximately \$100,000.

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