

Brookville City Council
Regular Meeting
September 5, 2017

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on September 5, 2017 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Henry, Kirklin and Letner; City Manager Burkholder, Fire Chief Fletcher, Police Chief Jerome, Finance Director Keaton, Law Director Stephan and Clerk Wheeler were present.

Roll Call by Clerk Wheeler.

Mayor Seagraves informed Gabby Wakefield will be added to the Agenda to request approval for the Homecoming Parade.

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

Motion by Cantrell, second by Henry to approve the Regular Council Meeting Minutes of August 15, 2017. Member Kirklin abstained, motion carried with six yeas and one abstention.

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

Gabby Wakefield, of the Brookville High School Student Council, requested approval for the annual Homecoming Parade on September 20, 2017 at 6:30 p.m.

Police Chief Jerome informed he spoke with the Athletic Director at the school today. Chief Jerome informed his recommendation would be Carr Drive, to Cusick, to Market to Western, to the school and then behind the school for the bonfire.

Motion by Kirklin, second by Apgar to allow the Brookville High School to hold their Annual Homecoming Parade on September 20, 2017 at 6:30 p.m. All yeas, motion carried.

Power Point Presentation by John Parks of the Human Services Board on their upcoming Levy. Copy of presentation attached to Meeting Minutes.

Mayor Seagraves informed he has been a Member of the Human Services Board for the last ten years and can attest to the scrutiny that Mr. Parks is under, they are very accountable for their funds and are structured to ensure the funds go to the right sources. He asked Council to continue to support the Human Services because it is a great cause.

Motion by Cantrell, second by Kirklin to endorse and support the upcoming Human Services Levy. All yeas, motion carried.

Mayor Seagraves reminded the Human Services Levy is only a renewal and there is no tax increase with this Levy.

Manager Burkholder reported the the Urban Lane drainage problem and undergrowth at the detention pond has been corrected. He informed this pond is routinely mowed and contrary to what was stated at the last Council Meeting, there was no standing water problem at the detention pond outlet, although in the past, during the wet season, there has been standing water. He informed that after removal of silt at the outlet, it was discovered the concrete channel does extend to the mouth of the outlet and after removal of the undergrowth along the walnut tree line, it was discovered the adjacent neighbor had a fenced in junk site. Manager Burkholder informed the Zoning Enforcement Officer was notified and two Zoning Violations were served on the

owner. He circulated file photos of the area to Council Members. He informed the Zoning Officer will continue to follow up on this.

Manager Burkholder requested a Motion by Council to approve the \$30,000 change order on the WWTP Lift Station Rehab Project for the purchase of a 30-HP Flygt Pump for the Main Lift Station. He informed this was an alternate to the base bid on the Project. The commencement of the project will begin this Fall. Manager Burkholder informed the City received a \$50,000 OPWC Grant and a \$150,000 OPWC interest free loan for this project. He stated with approval, the new project total is \$189,741.

Manager Burkholder reported he and Mayor Seagraves met with the Montgomery County Engineer, Paul Grunner to discuss the options to install a sidewalk on the east side of Johnsville Brookville Road stretching from Blue Pride Drive to Westbrook Road. He stated a sidewalk can be constructed in the county Right-of-Way and in order to do so, a county permit must be obtained from the County Engineer and engineering plans will be required prior to construction. Manager Burkholder informed the City was advised there is very little chance the County Commissioners would agree to assessments of the property owners benefited by the improvement. He reported follow-up contact was made with Brookville School Officials with a request for the previous Safe Routes to School Application plus the student aggregate data needed for the Safe Routes to School Application. He informed the Safe Routes to School Program was downloaded from the Ohio Department of Transportation website for review and Staff will continue to review this process and follow up to see if our City could be eligible for funds.

Manager Burkholder informed Staff will meet with Rumpke Representatives this week to discuss the transition to their trash services beginning January 1, 2018. Manager Burkholder stated he met with the Service Department and received positive feedback regarding the change in the trash service. He informed the change will allow our trash team the opportunity to develop their work skills and provide additional Staff to the many other areas of need within the City. He stated even though there are false rumors going around, no one in the Service Department will be losing their jobs.

Manager Burkholder provided updated pictures of the asphalt paving being done on Old Market Street. He informed the road now has the rough surface down. He reported the conduit is being looked into to run services underground for utilities and fiber the entire length of the road but will be contingent on funds.

Mayor Seagraves stated the outside of City Hall looks very nice since recently being painted.

Motion by Apgar, second by Henry to approve Change Order #1 for the purchase of a 30-HP Flygt Pump and necessary appurtenances inside the influent pump station for the Wastewater Treatment Plant Improvement Project, Phase II at a cost of \$30,000, which changes the contract price from \$150,741 to \$189,741. All yeas, motion carried.

Member Duncan asked when the steel plates will be removed from Market Street?

Manager Burkholder informed the road will not be open until the construction of the new fire station is completed so he is not sure when the steel plates will be removed.

Member Duncan stated it looks as if one of the plates have been moved.

Manager Burkholder stated he would be happy to take a look and check on it. He informed he spoke with the inspector today and they do still have a final course to put down.

Member Duncan asked if there is a sub-roof on the new fire station building right now? He stated the roof is currently two different colors.

Manager Burkholder described it is a sub-roof, there will be another layer of insulation that will go on top and then a standing seam, which is a metal roof that will be the final application. He informed it is a very durable type roof.

Member Duncan asked what the home at 269 Foothill will be listed for?

Manager Burkholder informed \$104,000. He informed Lowe's has one item left on the check list and will then schedule a complete cleaning of the entire home. He informed there have been a few showings and will continue to do more.

Member Duncan asked where we are on borrowing money for the Market Street Project and will we have enough money or are we borrowing more? He asked how will we be able to repay the money?

Manager Burkholder informed the City has not exceeded the original \$1,976,000 yet. He informed Staff has had discussions with the Montgomery County TID on the budget and based upon the availability of funds we will see about additional items like getting in the lighting bases or as discussed at the last Council Meeting, adding in additional conduit underground to extend north.

Member Duncan asked if the cost of the conduit should be the responsibility of the developer to put in to run for utilities?

Manager Burkholder stated that is why it hasn't been put in yet, but since Member Letner brought it up at the last Council Meeting, it has been looked into for estimated costs. He stated we won't do it unless we can assess the cost back.

Member Duncan stated it seems we are always spending money, he knows there are grants and loans available but at some point in the future, the loans have to be paid back.

Mayor Seagraves stated we are not spending additional money, only money that was budgeted.

Manager Burkholder informed the Ohio Public Works Commission (OPWC) Application on the WWTP was approved prior to any decision on whether the Income Tax Credit Reduction or the levies were passed. He informed the original WWTP rehabilitation was approximately \$2.1 million and came in for a total of \$1.9 million. Once the first project was completed, he checked to see if there were other issues that needed addressed. He informed pictures were shown at a former Council Meeting, of leaking pipes and a deteriorating situation at the Main Lift Station at the WWTP. He stated this is an example of a needed repair that we do not have a choice on as a City, it must be rehabbed. Manager Burkholder stated with the \$50,000 in grant money received and the fact the loan was interest free for twenty years, is how you catch up on Capital Improvements with a combination of grants and interest free loans.

Member Letner asked when the other side of Market Street will receive a base layer of asphalt?

Manager Burkholder asked which side?

Member Letner stated the new section.

Manager Burkholder stated it has already received a base layer and the top coat may be done this fall. He informed the road will be open up to the AmVets, but beyond that will not be open until the new fire station is completed. He stated we do not want traffic conflicting with construction traffic that will be coming off of new Market to the site of the new fire station. He stated they actually need a lot of extra staging room for equipment at the construction site.

Member Letner asked what sections of Market Street is there conduit crossing over into the new section?

Manager Burkholder informed it was verified today that there are ten different areas.

Manager Burkholder agreed with Member Letner that if the infrastructure can be put in then at least we have the base stuff in there for when development comes, it just comes down to who pays for it. He stated the City would like to make it easier for developers to develop those lots in the future. He informed he does not have a cost yet on the total amount to run the conduit the entire length.

Member Letner stated he would think the cost would be minimal since the road is already opened up. He stated he would like quotes obtained for the conduit to be run.

Manager Burkholder informed the definite price came up with the TID at the last Meeting and they will obtain an estimate to provide to us. He informed we are still coordinating on the street lighting and will be replacing some of the old lights that were there. He stated given the pond is owned by the City, it makes sense to have streets lights on the one side of the pond for safety reasons. He informed the pond will not have water in it but is fairly deep and he wouldn't want anyone to not see it and accidentally run into it.

Member Cantrell asked Member Letner if he is wanting a quote for the City to put the conduit in?

Member Letner stated certainly because the City is building a facility that is projected to last 50-70 years into the future and we need to be thinking about the future while it is being built.

Manager Burkholder asked if the City is going to pay for it or the private developers?

Member Letner stated he thinks the City should pay for it now and then assess later.

Member Cantrell agreed and stated we need an estimate to have the work done.

Manager Burkholder stated we are currently looking into the price and are awaiting the to hear back from TID for a price.

Member Letner stated the price should be minimal and we will be helping the developers in the future by already having the conduit in place.

Manager Burkholder stated the price will need to include the labor also, which is why we are currently still waiting for a total price from the TID for the work to be done.

Member Duncan asked if anyone has checked with Spectrum or DP&L?

Manager Burkholder stated he has checked with Spectrum but he has not heard back.

Member Cantrell asked if we are going to do anything with an engineer for the sidewalks on Brookville Johnsville Road?

Manager Burkholder informed we have an engineer's estimate for approximately \$51,000. He stated the main thing will be having the funding to do it because we cannot assess for the work.

Mayor Seagraves stated the problem is everything has to be approved and signed off by the County and we can't assess the homeowner, that area is in the county right-of-way and they won't assess the property owners.

Member Cantrell asked if we could do everything involved with the process, and then add the costs to the 2018 Budget to try and push this project along?

Manager Burkholder stated part of the problem is since we can't assess the property owners, other property owners in other areas of the City that we currently assess for streets and sidewalks will then question why those five property owners benefit and not get assessed while everyone else is being assessed.

Member Cantrell asked if we could appeal to the property owners to see if they would contribute?

Manager Burkholder stated there are five properties which would mean approximately \$10,000 each.

Finance Director Keaton presented the Fund Balance for August 31, 2017.

Member Duncan asked Finance Director Keaton has checked on the license plate fees recently?

Finance Director Keaton informed yes.

Member Letner asked how many City of Brookville toters we have available?

Finance Director Keaton informed we just received a shipment of 50 toters and have distributed about 10 of those, which would leave approximately 40 toters available.

Member Letner suggested with the upcoming transition to Rumpke, letting people know that we have toters available to buy so that they won't need to worry about renting from Rumpke.

Finance Director Keaton informed Staff is already promoting that.

Member Letner asked once we switch to Rumpke, who will be responsible for replacing toters if needed?

Finance Director Keaton informed Rumpke is responsible to replace any damaged toters.

Manager Burkholder informed he would like to have a list of frequently asked questions put together. He informed more of the detailed information will be discussed at the Meeting with Rumpke this Friday. He stated he would like to get as much detailed information out to Staff and the public as quickly as possible to ensure a smooth transition.

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

Fire Chief Fletcher presented the August Operations Report.

Fire Chief Fletcher reported 90% of the fire hydrants have been completed during the maintenance program. He reported the maintenance was completed in the evenings and they noticed complaints were way down. He informed he had hoped the program would have been completed by tonight's Meeting but his Department has experienced that when they got into the fragile part of the system, mainly near Walnut Street, they experienced a water main break. He stated they had to call in the Service Department after-hours on overtime to repair the break and then after they made the repair and turned the water back on, it broke again in a second place. He stated that is a prime example of what is experienced in the more fragile parts of the Water System here in town. He stated when they talk about the decaying infrastructure they experience this is what they mean, because this line literally broke because a fire hydrant was turned on. Chief Fletcher informed the Fire Department will not be working on the fragile part of the system anymore after hours, only during the day, in the event it happens again and the Service Department needs to be called out. He would like to help minimize the overtime needed by the Service Department. He stated he hopes to have the Maintenance Program completed by the first of October.

Fire Chief Fletcher requested Council approval for the 70th Annual Fire Prevention Parade on Wednesday October 4, 2017 at 6:00 p.m. with a rain date of Thursday, October 5. He stated since there are Fire Levies on the ballot this November for both Clay and Perry Townships, they would like to take every advantage of relaying information. He stated as the parade concludes at the high school there will be a fire safety house and other activities planned.

Motion by Kirklin, second by Henry to allow the 70th Annual Fire Prevention Parade on Wednesday October 4, 2017 at 6:00 p.m. with a rain date of Thursday, October 5, 2017. All yeas, motion carried.

Fire Chief Fletcher informed the Fire Department currently has a surplus of fire hose. He stated they could list the surplus for sale on a government auction site, which are actually flooded with outdated hoses for sale. He has found some local Fire Departments that could benefit from our old hoses. He would like permission to donate some of the surplus hose to neighboring Fire Departments in need. He informed former Firefighter Bob Batz, used to go to numerous Fire Departments in the region and gather unused or no longer needed equipment and would then annually take it to Fire Departments in need.

Fire Chief Fletcher informed his Department has a leaky hose he would like to donate to a Fire Department in northern Kentucky. He informed he came across them recently when he was teaching in southern Ohio over the summer and all though the hose leaks, it would still be better than what they are currently using. He requested Council authorization to donate the leaking hose to the Department in Northern Kentucky.

Motion by Cantrell, second Letner to allow Fire Chief Fletcher to donate the surplus fire hoses to other Department in need . All yeas, motion carried.

Fire Chief Fletcher reminded the Krafty Mamas Grand Opening is scheduled for tomorrow, Wednesday, September 6th. He stated this new store is a perfect example of a 180 degree transformation. He informed the building used to be so bad that it was on an identified list that if it caught on fire, fire fighters would not enter the building. If the building were on fire, the fire would be kept to that building, but would not risk fire fighters lives to enter the building. He informed over the last 18 months the building has been sold and completely remodeled. He described the building as a very neat historic building and now, all concerns from a Fire Department standpoint have been reduced significantly. He informed the building is now just as safe as any other building on Market Street, which is a big difference from 18 months ago. He stated a great group of folks have really invested a lot of time and money into the new store and he hopes they are very successful.

Police Chief Jerome informed there was recently some news footage on TV about the Ford SUV Police Cruisers who have given off Carbon Monoxide exposure to Police Officers. He stated he has read several articles on the issue and heard Ford could possibly do a test. He has heard of one Department that was proactive and put Carbon Monoxide detectors in their cruisers. Chief Jerome informed he has found so far, that the indication seems to be, it is not Ford's design but the secondary companies who put all of the equipment the Police need to operate in the car and the holes that are drilled for some of the equipment, if not not sealed correctly, are what is allowing the Carbon Monoxide inside the car. He informed he has discussed this issue with Fire Chief Fletcher and Chief Fletcher stated he would prefer not put a home detector in the cruisers due to the rattling noise it would make. Chief Fletcher suggested the Police Department use a small device like the Fire Department carries on their bags when they go into homes and aren't sure if there could be Carbon Monoxide exposure or not. He stated if there is a Carbon Monoxide issue in a home, then the device will go off. Chief Jerome informed nothing needs done to the device and they are good for about two years. He stated for \$345 they can put these devices in all of the cruisers. He stated he wants to always ensure the safety of his Officers. The Carbon Monoxide devices were received today and will be installed in the cruisers tomorrow.

He stated our installer tells him they do not feel we would have any problems but de does not want to chance it.

Police Chief Jerome reported the Brookville Police Department handled 525 Reportable Incidents year-to-date, compared to 442 during this same time last year. Chief Jerome reported Citations are up a total of 16 Citations year-to-date, for a total of 347 Citations issued year-to-date. There were 161 traffic stops for August compared to 99 during August 2016.

Police Chief Jerome reported his Department continues to participate in the OVI Task Force, which they reimburse for overtime and it does not cost the City anything.

Police Chief Jerome informed his Department and especially the Detective have been very busy. Police Chief Jerome stated he is proud to say they have charges on a 39 year old female that made a bad choice to defraud the elderly. He informed she decided to write checks and defraud an 85 year old man out of his bank account.

Police Chief Jerome reported two Fridays ago, 2 exits away, the Ohio State Patrol seized 4 kilos of Fentanyl valued at over two million dollars. He stated we know there is a tremendous amount of drugs that go up and down Interstate 70, right past our exit, and we know from past experiences that unfortunately, sometimes they do get off at our exit. He informed his Department recently had a group from Indiana get lost and were stopped for speeding at Westbrook and Western and after testing was confirmed, Officers took four grams of actual Carfentanil out of the car, which is the real nasty stuff. He stated people like to think it is not here but it is. Chief Jerome stated he has a very pro-active midnight crew.

Police Chief Jerome reported we had an Officer attacked recently while writing a parking ticket and also a lady who was drunk in day light became upset and threw a water bottle at one of our Officers. He informed both of these individuals were arrested and will see the error of their ways. He stated everybody thinks this is just Brookville, but we do have some the same crimes as everyone else, just a lower amount of them.

Police Chief Jerome reported his Department is experiencing a lot of new technology, which will make things run a lot smoother. He informed he is excited about the new phone system which has some neat features including caller id, which is extremely beneficial. He informed the new phone system also now gives the ability to have voicemail and can send voicemail to emails. He stated he is very excited to finally be in the 21st century. Another feature is the phone system can put up to 12 people on a conference call. He informed they have a lot of cases where the Prosecutor may subpoena five officers on one case and now they can make a conference call for a pre-trial and not have to bring everyone downtown to court. He stated his Officers are very happy about that. Chief Jerome informed Staff is still working on the new phone system and continually tweaking but are very excited about the details and future possibilities.

Police Chief Jerome reported earlier in the year, for free, the Police Department received in car printers for the cruisers. He informed over the last few years, the computers in the cruisers have gone from a computer connected to Dispatch to computers that have card swipers to swipe a drivers license and then automatically run a person's information. He informed over the last five years, the state has created the Ohio Law Enforcement Information System (OLEIS) and that systems connects them with accident reports. He informed it will automatically load all of the information from a driver's license to the accident report and Officers can print the forms from their cars. He stated in the old days, Officers had to come into the Police Station and write the reports out, which was time consuming. He stated the OLEIS will not let a report be submitted if there are any errors, it will show any errors that must be fixed before submitting the form electronically. Chef Jerome informed now the citation module has been hooked up also. He informed one Officer has worked with Prostratus to connect with the state, which took a few days to get all hooked up, but now Officers can swipe the driver's license, everything loads right up, and then prints a copy of the ticket and everyone is on their way. He stated Prostratus has worked very well with with his Department, especially their engineer Chris. Chief Jerome

informed that very soon cars on the road will be connected to the office and can file any report without having to drive back to the building. He stated so many times with charges, there is domestic violence going on, an injured victim or a very tense situation. He reported domestic violence is the #1 killers in the United States and more officers are killed on domestic violence calls than any other call. He reported Officers now have the ability to fill out the complaint forms in the cruiser, print the form, have then victim sign the form and then take the bad guy on to jail because arrest custody forms can now also be printed from the cruisers. He stated this will save so much time for officers and help get them back on the road faster and help will enable them to work smarter and faster. Chief Jerome stated his Department is very excited that this technology is now available to them. He informed Officer Zach Snell was instrumental in helping get this done, it took him three days to do it, but it went live one week ago.

Police Chief Jerome informed the 8th Annual Breast Cancer 5k is scheduled for September 30, 2017. He stated he would like to thank the Colston's who helped last year and again this year with money being donated to pay for all five of our cruisers to have pink ribbons on the cars through October. He stated he is very excited for this and the ribbons will be on the cruisers very soon.

Police Chief Jerome reported he was contacted by a citizen who had a plan to help out with a Hurricane Harvey relief effort. He stated the citizen has done this type of thing in the past and asked if the Police Department would help. He informed Midwest Trucking offered to provide the trailer, the semi, the driver and gas to drive the goods to Texas and it would not cost Brookville anything. He informed there are several drop points in town and Midwest Trucking now has a trailer in the parking lot behind the Police Station for donations. He stated it has been all over the news of people with valid concerns for if they donate how do they know if it is really getting to people in need and being used. He stated he would not be involved in this if there wasn't a plan. He informed Open Bible Church is connected with the Convoy of Hope who guarantees the trailer of items will be delivered to a specific spot in Texas and the items will be given directly to people in need and not just go to a warehouse and sit. Chief Jerome thanked Bill Price, of Brookville IGA, for his donation of five skids of water, which is a little over 9,000 bottles of water. He informed they have already received a lot of dog food, cleaning supplies, diapers, wipes, hygiene items and one other skid of water. He stated he has learned a lot already and has been told how many skids of water to fill without overloading the semi trailer.

Police Chief Jerome reported the Ohio collaborative, which we are already certified with to ensure we are at the level we need to be with for the State of Ohio, has recently released Phase two of their certification that we will have to certify with. He stated he is proud we have Lexipool Policies and they do help us with that but it will still be a tremendous amount of work to get certified, which we have to do to make sure we meet the standards of the State of Ohio. He stated his Department is now working on Phase two of being certified.

Police Chief Jerome stated his Department is busy, and are constantly trying to update Facebook, and their website. He informed they have recently added teenage opioid resources to their website and will continue to add more and more to the website.

Law Director Stephan advised at the August 2017 Planning Commission Meeting, Planning Commission recommended approval of proposed Ordinance 2017-08 on Mobile Produce Vendors with the Amendment that the Ordinance be amended to authorize an administrative approval of the permits. The following sentence will be added to the text of Section 1163.03(b) (26)(B)(1) to permit administrative approval:

Planning Commission may also designate certain locations in the City as approved locations for mobile food vendors or mobile produce vendors, and authorize the Zoning Enforcement Officer to approve permits for mobile food vendors or mobile produce vendors that will be located in these approved locations and that are in compliance with the regulations set forth in this Ordinance.

Law Director Stephan informed the purpose of this Amendment would be to quicken the approval process for these approved locations, and thereby, address some of the concerns raised by the vendors who testified at the Public Hearing.

Law Director Stephan informed proposed Ordinance No. 2017-08 is before City Council tonight for a second reading, and requested Ordinance 2017-08 be approved with this Amendment being added to the Ordinance.

Member Duncan asked what the administrative fee will be?

Law Director Stephan stated it will be discussed administratively and determined.

Mayor Seagraves informed the fee was discussed at the recent Planning Commission Meeting and it was determined the \$50 fee originally discussed is too high because some vendors don't bring in a lot of money.

Motion by Cantrell, second by Apgar to read proposed Ordinance No. 2017-08 as amended. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the second reading as amended of proposed Ordinance No. 2017-08 entitled, "AN ORDINANCE AMENDING SECTION 1163.03 (b)(26) OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO TO REGULATE MOBILE PRODUCE VENDORS." All yeas, motion carried.

Law Director Stephan informed at the August 2017 Planning Commission Meeting, Planning Commission recommended tabling its final recommendation on proposed Ordinance 2017-07 regulating trees and shrubs in or adjacent to the public right-of-way. He stated after reviewing the testimony from the Public Hearing, it was the consensus of Planning Commission that a revised draft of the Ordinance be prepared to establish a process to authorize certain types of trees to be planted between the curb and the sidewalk with a permit from the City. He informed a revised draft of the Ordinance is being prepared, and will be submitted to City Council and Planning Commission for review.

Motion by Cantrell, second by Apgar to table 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 reported Darrell L. Flory, Jr. and Nancy Flory are the owners of the auction house at 316 Hay Ave. and the residential property at 304 Hay Ave. They have applied to rezone the property at 304 Hay Ave. from its present zoning classification of I-1 Light Industrial to the new classification of (OR) Office Residential District. The permitted uses in OR include residential uses and professional offices. This new zoning classification will fit the current residential use of the property. There is an existing OR district on Hay Ave. and this rezoning will be compatible with the existing OR zoning district on Hay Ave. The property at 304 Hay will also be subdivided, and thirty feet on the east side of the property will be added to the property at 316 Hay Ave. and used to provide additional parking for the auction house at 316 Hay Ave. The new lot for the property at 304 Hay will comply with all of the OR zoning requirements. A map of this property is attached with the proposed new boundary for the lot, and a map with the current zoning districts in the area is also attached. A new subdivision plat that will establish the new boundaries for these lots is being prepared and will be submitted to Planning Commission and City Council for approval.

Law Director Stephan informed Planning Commission reviewed this plan at its August Meeting, and recommended that a rezoning Ordinance be presented to City Council to commence the rezoning process. He requested City Council pass the first reading of Ordinance 2017-09 and

adopt a motion to schedule a Public Hearing on Ordinance 2017-09 for October 3, 2017 at 8:00 p.m.

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

Motion by Apgar, second by Cantrell to accept the first reading of proposed Ordinance No. 2017-09 entitled, "AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE PROPERTY LOCATED AT 304 HAY AVENUE AND KNOWN AS LOT 2644 OF THE CONSECUTIVE MEMBERS OF LOTS OF THE CITY OF BROOKVILLE, OHIO FROM ITS PRESENT CLASSIFICATION OF (I-1) LIGHT INDUSTRIAL DISTRICT TO THE NEW CLASSIFICATION OF (OR) OFFICE RESIDENTIAL DISTRICT." All yeas, motion carried. schedule Public Hearing on Tuesday, October 3, 2017 at 8:00 p.m.

Motion by Apgar, second by Cantrell to schedule a Public Hearing for Ordinance No. 2017-09 on Tuesday, October 3, 2017 at 8:00 p.m. All yeas, motion carried.

Mayor Seagraves had no report. He thanked the Administrative Staff for all their work and effort. He stated Trick or Treat will be October 31, 2017.

Motion by Kirklin, second by Duncan to allow Trick or Treat on Tuesday, October 31, 2017 from 6:00 p.m. to 7:30 p.m. All yeas, motion carried.

There was no Old Business.

There was no New Business.

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

Balcom Lionel, of 146 Ashmark Court, stated he has a concern and would like to share a recent experience he had. He informed he was recently going down Arlington Road headed south and he saw off of Wolf Creek a medic followed by a fire truck headed in his direction. He stated it was obvious the truck was heading to Arlington Road. Mr. Lionel informed his daughter is a Firefighter/EMT and he is concerned for her safety everyday. He informed when he knew the trucks were headed his way, he wasn't sure if other vehicles were going to get out of the way. He stated he tried to give plenty of room for the emergency vehicles by pulling over as far off the road as he could but ended up running into tree branches of the trees along Arlington Road near Huntington Bank. He stated he recently read in the newspaper about the proposed tree Ordinance and feels the trees should be an immediate concern. He informed his suggestion would be for someone to reenact what happened to him. He stated his truck was 11 years old and he wasn't that concerned with the few scratches that were left by the tree branches, but someone with a brand new truck could easily want to sue the City for damages incurred. Mr. Lionel stated he thinks the simple solution would be to take those trees out.

Mayor Seagraves agreed. He stated there are a few trees along the Arlington Road area that are in the way and block the view and need to be removed. He stated others have complained about this area also.


Manager Burkholder stated he recently had a good discussion with Mr. Lionel on this and some have been removed already and he has given permission to the Service Department to remove other trees. He stated the trees do block the site of drivers along Arlington Road. He stated the trees will be removed and topsoil and seed will be added. He stated the trees being removed actually opens the area up and you can see more including Gateway Park and some of the businesses in that area.


Member Cantrell suggested maybe the width of the Boulevards should be added to the Tree Policy.

Law Director Stephan informed he is working on a revised draft of the Tree Ordinance. He stated if the curb lawn is below three feet, you really can't effectively get a tree in there. He informed he has driven around town and there are some areas that you have a very small curb lawn and it really makes no sense to have a tree in those small areas. He stated he does think some of the concerns can be addressed that were brought up at the Public Hearing where there sections of the City that have larger curb lawn that we could allow certain types of trees to be planted.

Mayor Seagraves thanked everyone for coming.

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



Meghan Wheeler, Clerk

David E. Seagraves, Mayor