

Brookville City Council
Regular Meeting
August 16, 2016

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on August 16, 2016 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Henry, and Letner; City Manager Burkholder, Finance Director Keaton, Clerk Wheeler, Fire Chief Fletcher, Law Director Stephan and Public Service Director Williamson were present. Member Kirklin and Police Chief Jerome were absent.

Mayor Seagraves announced Member Kirklin was unable to attend due to a family emergency.

Roll Call by Clerk Wheeler.

Motion by Cantrell, second by Henry to accept the Agenda as presented. All yeas, motion carried.

Mayor Seagraves informed approval of the August 2, 2016 Regular Meeting Minutes will be tabled until the next Regular Council Meeting in order for Law Director Stephan to review the final draft. He informed the last set of Minutes consisted of about 26 pages.

Motion by Cantrell, second by Apgar to table the approval of the August 2, 2016 Regular Meeting Minutes until the next Regular scheduled Council Meeting. All yeas, motion carried.

Mayor Seagraves welcomed the members of the audience. He informed anyone that would like to speak should stand, identify themselves with their name and address. He stated everyone who wishes to speak will have five minutes each and Council and Staff will try to answer everyone's questions tonight and if a question cannot be answered, we will find out the answer and respond back at a later date.

Angie Dull, of the Brookville Soccer Association, asked for permission to hold their Annual Opening Day Parade this Saturday, August 20, 2016 at 9:00 a.m. She informed it would be the same route as last year beginning on Carr Drive and ending at the Soccer Park.

Mayor Seagraves asked if she has cleared the route with the Police Chief?

Ms. Dull stated no.

Fire Chief Fletcher stated Antique Auto has a Car Show scheduled to be held from 9:00 a.m. to 3:00 p.m. on Saturday, August 20.

Ms. Dull asked if he suggested an alternate route?

Fire Chief Fletcher stated he would suggest an alternate route.

Ms. Dull asked if there is a good way to avoid the car show?

Fire Chief Fletcher suggested Cusick to Market.

Mayor Seagraves stated Council has no ill will for the parade but to make sure arrangements are made with Fire Chief Fletcher and the Police Department.

Motion by Duncan, second by Apgar to allow the Brookville Soccer Association to hold their parade on Saturday, August 20, 2016 at 9:00 a.m. All yeas, motion carried.

Bruce Garber, of 434 Sycamore, stated he has heard Council recently discuss the need for a smoke test to be done. He asked why a smoke test needs to be done. He recalled one being done about 20 years ago and would like to know why the last one that was done cannot be dug out in order to save money. He thought the last one done about 20 years ago should still be valid and that it was done by an Engineering firm. He suggested there might be valuable information in that report for free.

Mayor Seagraves thinks they might be out of business now. It can be looked into but he thinks it is comparable to EPA Reports, where they aren't valuable after a few years.

Mr. Garber stated Choice One should have all of the water engineering in their system and it sounds like they should provide us with copies and that everything underground isn't just done by memory or all in everyone's head.

Manager Burkholder informed we have some CAD files from Choice One that aren't the most up-to-date. We consistently on a weekly basis cannot locate valves. He will have some pictures to show in his report tonight of some deficiencies within the system. He stated we have tried to get as much information as possible from Choice One.

Mr. Garber stated Choice One should have valve locations and pipe sizes in their system.

Manager Burkholder gave an example that on the map the Westbrook water line was said to be on the North side of the road but when the Maple Street Project began and crews went to attach the lines together, once underground the water line was actually on the South side, which now causes an additional cost to the City because the waterline was never mapped in the correct location. He stated these are the constant inconsistencies we keep running into relative to the mapping of our City's waterlines. He informed that Fire Chief Fletcher can attest to some of these problems because when a fire hydrant near Speedway on Arlington Road was recently hit by a semi-truck, the Fire Department had a hard time locating the valve to shut the water off. He stated these are just a few main reasons the City needs to do a Water Modeling Study.

Mr. Garber stated he did not say any of this was on GPS and that it should be exact, he knows this information was all put in manual, but it shouldn't be that big of deal being off about 30 feet on Westbrook Road.

Mayor Seagraves stated Mr. Garber is an engineer and he of all people should know what kind of difference being off 30 feet can make.

Mr. Garber stated it shouldn't be a large expense, since it isn't on GPS, it wouldn't exact anyway.

Mayor Seagraves stated he is not happy with Choice One at the moment. We recently used them on the Parker Avenue Road extension and thankfully we hired a Construction Inspector because there were two or three complications that occurred with the set of plans they generated and we had to stop the process and make changes.

Mr. Garber stated what he is hearing is that the City wants to reinvent the wheel and re-do the whole system. He asked if the Construction Inspector had to call City Staff in the event of a problem.

Mayor Seagraves stated for any problem the Construction Inspector immediately calls Public Service Director Williamson.

Kim Cheatham, 565 Adrian Court, stated she is not sure how Manager Burkholder received a copy of her letter sent to Council Members, but she thanked him for his response.

Mayor Seagraves stated he gave his letter to Manager Burkholder and that is why they hired Mr. Burkholder, he is the City Manager and could answer her questions appropriately.

Ms. Cheatham stated not all of her questions were answered.

Manager Burkholder stated he answered all of her questions the best he could with the information he had.

Ms. Cheatham asked if he has a projected cost from Chase Electric?

Manager Burkholder stated no because they have only put in the electrical panel at this point and until we move forward with stage two, he does not have a projected cost from them yet.

Ms. Cheatham asked when will stage two begin?

Manager Burkholder stated it has not been determined as to when stage two will begin.

Ms. Cheatham asked the status of Lowe's providing building materials.

Manager Burkholder stated Public Service Director Williamson will cover that in his Report.

Ms. Cheatham stated that according to her figures, the City has spent roughly \$22,000 on the Foothill property with \$18,000 left from the \$50,000 loan.

Manager Burkholder stated he believed Ms. Cheatham has received a copy of the spreadsheet with exact numbers on the project and has spent time discussing it with Finance Director Keaton.

Member Cantrell asked why is she so determined to find out this information on the property, is she is going to buy the home?

Ms. Cheatham stated no, but it is her money being spent.

Mayor Seagraves stated it is not her money, it was a loan from the Landbank Program and it will be repaid from the profit of the home once sold. He informed, we may exceed the \$50,000 loan, we just don't know yet.

Member Cantrell stated as we know we will be sharing the information.

Ms. Cheatham stated her main concern is a basic \$50,000 home where we do not know what the expenses are or what has been paid out.

Member Cantrell stated we have a list for the project of all expenses that have been paid out to date.

Mayor Seagraves stated Ms. Cheatham has received a copy of the spreadsheet with all expenses paid out to date.

Ms. Cheatham stated the spreadsheet she received only shows the expenses that have been paid to date so far. She said if you remodel something you should have a total for the whole project.

Member Cantrell stated this project is not a top priority, this is a small project among other larger projects.

Ms. Cheatham stated if a small project can't be budgeted for what about the larger ones that costs hundreds of thousands of dollars.

Member Cantrell stated when the final budget is decided on Council will let everyone know.

Ms. Cheatham stated this is a year old project.

Manager Burkholder stated that is incorrect. It may show the property was acquired in August of 2015 but the actual receipt of the money and construction took place after that date. He stated the initial budget was \$50,000 plus an additional \$5,000 received from the sale of another project in the Landbank. He informed the City has not amended that budget for 2016 because at the time it was receipted in the budget we did not know the total because we hadn't received quotes on estimates from contractors, we still do not have all of the estimates in from the contractors. Manager Burkholder stated that no commitments have been made for final contracts yet because he wants to make sure we have final contracts for quality work and we will not transfer any money until we know the exact costs.

Ms. Cheatham asked when the loan has to be paid back to Montgomery County?

Finance Director Keaton stated we have two years, until 2017.

Ms. Cheatham stated she will be staying on top of this project.

Member Cantrell advised Ms. Cheatham the reason the City pays the City Manager is to take care of this sort of stuff.

Manager Burkholder stated he would be happy to provide Ms. Cheatham with a copy of his report.

Ms. Cheatham asked about an update on the curbs in the Terrace Park Plat.

Manager Burkholder stated there is a definite need for the curbs in Terrace Park to be replaced but at this time it is not an active project, until a new study can be done. He informed he goes through the Terrace Park Plat about four to five times a week and there is a real need for curb replacement.

Ms. Cheatham stated it seemed to be a hot topic in the past.

Manager Burkholder stated it has been a hot topic, but that doesn't mean it is an active project at this time.

Member Apgar stated it has been a hot topic for the last ten years.

Jeff Childers, of 304 Western Avenue, asked what credentials the Construction Inspector has?

Manager Burkholder stated he has over 30 to 40 years experience with Harrison Township. He does not have his resume in front of him but he is very qualified for the position.

Mr. Childers asked if the City is paying an employee to be sitting at home while he awaits indictment.

Manager Burkholder stated that is a Personnel Matter and is confidential.

Mr. Childers asked if the City is paying his wages?

Manager Burkholder stated that is a confidential personnel issue and he cannot comment, he must protect the confidentiality of City Employees.

Manager Burkholder introduced Steve Stanley and Crystal Davidson from the Montgomery County Transportation District.

Manager Burkholder informed the Market Street Extension will be from downtown to Upper Lewisburg-Salem Road and has always been a part of the plan involved with adding a new firehouse. The City has contacted Mr. Stanley with the Transportation Improvement District (TID) of Montgomery County for their help with the design and construction of the road as well as the financing structure for the road.

Law Director Stephan presented Council with a memorandum on proposed Resolution No. 16-19 and the Agreement with the Montgomery County TID. Law Director Stephan advised The Montgomery County Transportation Improvement District is a special purpose local government district authorized by Chapter 5540 of the Ohio Revised Code and created by the Montgomery County Board of Commissioners in 2001 to finance and expedite high priority transportation improvement districts that support significant economic development in Montgomery County and its region. The Montgomery County TID has been involved in numerous transportation projects for local cities, including the City of Union, Huber Heights and the Austin Blvd. interchange. He asked Mr. Stanley to give his presentation and then Council will have a chance to ask questions.

Mr. Stanley presented a Power Point Presentation on the Montgomery County Transportation District, what they do, past and current projects they have participated in and how they could help with the Market Street Extension.

Member Duncan asked if the City owns the land?

Manager Burkholder stated yes, we own the right-of-way.

Member Duncan stated if we add a roadway there and there are two other property owners in that area, aren't we increasing the value of their property as well and shouldn't they have to contribute to the cost of the project?

Law Director Stephan advised one thing being looked into is tax increment financing to assist with payment of the cost of this infrastructure improvement so that when these properties

develop along both sides of the road we can receive funds from development to help assist with payments for the cost of the infrastructure.

Mr. Stanley stated that is a very practical way for financing infrastructure.

Mayor Seagraves stated Mr. McGregor turned over the right-of-way for this area.

Law Director Stephan informed the proposed Agreement is comprised of two phases. The first phase is for design of the street and completion of other necessary preliminary work to prepare for street construction. The estimated cost of Phase I is \$118,276. The second phase is for construction of the street. The City is not required to move forward with Phase II, and the Montgomery County TID will only move forward with Phase II after receiving written commencement notice from the City of Brookville.

Law Director Stephan stated by partnering with Montgomery County TID, it will provide a number of benefits. They will bring management expertise to the project as a result of the many other projects they have built. Financing the project through the Montgomery County TID will allow the City to complete this project without issuing additional bonds for the street. It is expected that Montgomery County TID will finance this project, and then the City will reimburse the MCTID for the cost of the project over a period of ten years. The City expects to pay for the costs of this project through income tax revenues, and through tax increment financing payments generated as a result of development in the area surrounding the street. An Ordinance will be submitted to City Council to establish tax increment financing in the area surrounding the street. The MCTID will be able to provide technical assistance with establishing and managing the tax increment financing district.

Law Director Stephan advised it is necessary to move with approval of this Agreement and to pass this Resolution as an emergency resolution with Montgomery County TID if we are going to complete the design of the street this year, and complete construction of the street next year. It is necessary to coordinate the completion of the street design and the final design of the fire station site plan. This matter has become even more urgent because the City has received an inquiry from a new business that is interested in locating along the Market Street Extension. The completion of the Market Street Extension will open a new area of Brookville for economic development, and we need to move forward with approving this Agreement with Montgomery County TID to commence the Phase One design of the Market Street Extension.

Member Cantrell asked if Phase 1 includes the cost estimates and some potential financing opportunities.

Mr. Stanley advised the cost included in the budget of Phase 1 should be able to be rolled into the state infrastructure bank loan and ultimately stretch out the repayment over 10 years.

Member Cantrell asked then when Phase 1 is finished we won't be writing out a check for \$118,000?

Mr. Stanley stated it should be rolled into as part of the entire project.

Member Duncan asked if this is something we would have to do no matter what firm we went with?

Mayor Seagraves stated they are not a firm, they are from Montgomery County.

Member Cantrell stated by using Mr. Stanley and the County they may have resources that others do not.

Mr. Stanley stated from his perspective, timing is the largest immediate issue. He has dealt a lot with financing options.

Motion by Apgar, second by Cantrell to read proposed Resolution No. 16-19. All yeas, motion carried.

Motion by Duncan, second by Apgar to to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 16-19 entitled, "A RESOLUTION APPROVING THE MARKET STREET EXTENSION PROJECT MANAGEMENT AND FINANCING AGREEMENT WITH MONTGOMERY COUNTY TRANSPORTATION IMPROVEMENT DISTRICT, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Burkholder stated he wanted to provide a visual update on some current projects and challenges throughout the City.

Manager Burkholder presented a Power Point Presentation.

Manager Burkholder informed the Parker Avenue Extension Project was completed one month ahead of schedule. He stated one area that will be considered as a capital improvement project in the future will be the drainage ditch. There is a part of the drainage ditch that goes to the retention pond and it will need cleaned out. He informed the City will coordinate with Green Tokai to help clear it up.

Member Duncan asked for an update on costs for the Arlington Road Bridge Project.

Manager Burkholder informed, MKSK is working with ODOT and Woolpert on the design to see if some of the things we have proposed will be allowed to do according to ODOT. We have received some renderings and landscaping ideas but at this time no cost estimates yet. He will

bring estimates forward to Council as soon as they are received, but we're still in the early stages of the project.

Mayor Seagraves stated he does not anticipate any cost information for a little while longer.

Member Letner asked if the Service Department still had a locator to help locate water lines at the Service Garage?

Public Service Director Williamson stated yes, there is a locator at the garage and it has been used to help locate some water service lines but it is the sanitary lines that are much harder to locate.

Member Letner asked if those are below the water line?

Public Service Director Williamson stated in some cases yes, they are below the water line.

Manager Burkholder stated there has been trouble locating the valves and identifying what is connected to what.

Member Letner stated an old print of Westbrook Road that he had seen from years ago, when the water tower used to be located across the street, showed a 12 inch line located on the south side and a 6 inch located on the north side. He thinks the 12 inch has always been mapped on the south side.

Manager Burkholder informed there have conflicting things over the last few months. He informed Public Service Director Williamson has reviewed the prints in the annex, the prints available at the Service Department and we have received computerized design files from Choice One. Manager Burkholder stated that Choice One will not be doing the Water Modeling Study.

Member Letner asked if Choice One has the licensing for the GIS and what is our leeway to access that information? Do we have to ask them to print information off or do we have full access?

Manager Burkholder stated we have a license for GIS and we want to get those layers in-house so that we have immediate access. He stated we have some now, but not a complete list and not all lines are marked.

Member Letner asked if Choice One has more of a GIS set up and more access than we do?

Manager Burkholder stated he does not know their exact set up of Choice One but this is something he wants to be able to access and have internally.

Fire Chief Fletcher stated he has recently reviewed the water atlas from Choice One and it does show the 12 inch line on the north side of the road which is not where it was found. This is a very good example of what we are currently finding with the current information that we have from Choice One. He stated in the CAD files there are numerous inaccuracies and places where in the past, as built plans have not been factored into the current information. Chief Fletcher stated another example would be on the water atlas it shows a 10 inch line that runs up Arlington Road and 12 inch line on Westbrook and according to the map, these two do not connect, but yet, there is 4,000 gallons of water coming from the hydrant there on Arlington and Westbrook, so he know that they do connect. He informed that anytime he sits down with Sprinkler Engineers or anyone else, the first thing he admits to is the data we currently have at hand is suspect at best.

Member Letner asked about the original prints?

Chief Fletcher stated at Westbrook and Albert the plans are messed up. They show if you are east of Albert on Westbrook it is on the south side but west of Albert it is on the north side but in all actuality it is all on the south side.

Member Letner asked if we have 6 inch and 12 inch running parallel together?

Fire Chief Fletcher informed if you go down Westbrook Road towards Terrace Park, the areas west of there have 12 inch lines running up the north side of the road and 6 inch lines up the south side of the road and all of the fire hydrants hook into the six inch lines and then they can barely get enough water out but there is literally a huge amount of water right across the way and that water does not come out of the fire hydrants. He stated this is why a Water Modeling Study would help us to identify and fix some of these issues. It would cost millions of dollars to replace the lines but for a fraction of the cost using the Water Modeling Study, we could see where we could tie the 12 inch and 6 inch lines together at certain points to help increase the water flow. Chief Fletcher stated this is the sort of thing that is well above our understanding, but the engineers could model the town and then tell us here is where you have water and here is where you don't and here is the cost effective things you can do. He stated that ISO says a Water Model should be driving our water decisions.

Member Letner stated if there is conflict of what size line we have, then shouldn't it just be a matter of turning a valve to see how many times it takes to turn the valve to help determine the size? He stated maybe instead of relying on exactly what is there, go out into the field and actually turn a valve to see.

Manager Burkholder stated this is a combination of field work and studying the information. There is a lot of information and data that seems to be scattered all over the place. He wants to collect all of the information and have it analyzed by an engineer. Both Chief Fletcher and Public Service Director Williamson have been working on this and been noting discrepancies found. The Fire Chief has logged all of the fire hydrants and we want to continue to build the informational layer. One of the first economic development questions that new businesses will

ask is, do you have a Water Modeling Study and what is the nature of your system? He stated pressures are usually a concern as well. This is really the first step to pull everything together so that we can see what we really have and what do we need to do to improve. This is the sort of planning we need to help identify future funding sources and can also do phases over time and prioritize the need.

Finance Director Keaton requested Council approval to accept and authorize the signing of the Agreements for Depositories with LCNB National Bank, Fifth Third Bank, Huntington National Bank and U.S. Bank for a five-year period beginning September 1, 2016. She informed these Agreements for Depositories are for the deposit of public funds for active, interim and inactive funds. She stated our current Depository Agreements with these four banks expire on August 31, 2016.

Motion by Duncan, second by Apgar to accept and authorize the signing of the Agreements for Depositories with LCNB National Bank, US Bank, Fifth Third Bank and Huntington National Bank for a five-year period beginning September 1, 2016 for the deposit of active, interim and inactive funds as recommended by Finance Director Keaton. All yeas, motion carried.

Finance Director Keaton informed that Carol Latino, of 775 Albert Road, is requesting Council approval for their Annual Neighborhood Watch Block Party on Saturday, September 10, 2016 from 4:00 to 8:00 p.m. for the Albert Road/Urban Lane area. The event will be held at the end of the cul-de-sac on Urban Lane.

Motion by Cantrell, second by Henry to approve Carol Latino's request for their Annual Neighborhood Watch Block Party on Saturday, September 10, 2016 from 4:00 to 8:00 p.m. for the Albert Road/Urban Lane area. All yeas, motion carried.

Public Service Director Williamson reported he met with representatives from Lowe's this week and hopefully will have a proposal from them soon. He informed Lowe's has been very eager to work with us and seems interested in helping with the project.

Public Service Director Williamson informed the Parker Avenue Extension Project has been completed. He stated the Service Department has been doing some pavement repair on Westbrook Road and Brookville-Johnsville Road due to the recent water main breaks.

Public Service Director Williamson stated the Lead/Copper samples have been collected and submitted to the lab. He expects results within about five to seven days and the report will be submitted to the EPA. He stated he does not expect any results out of the ordinary but if there is anything they will take the appropriate actions to correct.

Public Service Director Williamson informed the leaking valve on Westbrook Road was removed from service.

Public Service Director Williamson informed there were 29 tons of recyclables for July and for the year, we seem to average about 30 tons per month.

Member Duncan asked how much we save on tipping fees?

Finance Director Keaton stated we pay about \$33 a ton on tipping fees.

Member Duncan stated the more people that recycle the more money we will save.

Finance Director Keaton informed that is why the City tries to promote recycling.

Mayor Seagraves informed that regionally, Brookville is one of the highest ranked for recycling.

Finance Director Keaton stated our participation rates have picked up over the last few years.

Member Duncan stated citizens should know that recycling saves them money because the more they recycle the less paid for tipping fees.

Public Service Director Williamson informed trash pick up on Maple Street may be slightly earlier than normal because crews are trying to pick up trash there earlier than normal due to the construction going on on Maple Street.

Member Letner thanked the Service Department for their asphalt work on Johnsville-Brookville Road. He informed that was a big job and they did a great job.

Fire Chief Fletcher informed the Fire Department continues to do flow testing throughout the City. He received several phone calls on rust colored water. He informed the first picture Manager Burkholder presented in his presentation tonight was probably from the 1950's to 1980's. That pipe is ok for flushing toilets etc. but in the need of a fire, just because water comes from a hydrant doesn't mean the thousands of gallons of water needed for a fire will come out of the hydrant. He stated this is why the flow tests are done. He described a hydrant found on Arlington Road today that has not caused problems in the past, but yet when tested today, it was turned twice and then completely locked up. The hydrant now goes into a maintenance queue so that it can get the attention it needs. He informed when a hydrant is marked, they do not mean to cause alarm to residents because sometimes a hydrant marked out of service will cause residents to call in with concern. He informed that our distribution system has fire hydrants properly spaced so that if one hydrant is not usable, it is not the end of the world. He indicated there are enough other lines and a contingency with our fire engines to ensure we are ok in the event of a fire. Chief Fletcher informed they do take priority in making repairs but are trying to save time so that a fire truck or one of our mutual aid assistants does not waste time trying to hook up to a broken hydrant in an emergency.

Fire Chief Fletcher stated a side effect to flow testing is rusty water. You can run water for a few minutes to get rid of the rust color.

Mayor Seagraves stated Police Chief Jerome is on vacation.

Law Director Stephan informed Resolution No. 16-20 will approve employing App Architecture, Inc. to design the new Fire Station and authorize the City Manager to execute an Agreement with App Architecture, Inc. The agreement provides for a total fee of \$303,200 for all design services for the new Fire Station. The fee is divided into phases of design work, and the contract provides that the City can terminate the contract and pay App Architecture, Inc. for the work completed in that phase up to the date of termination, and not be required to pay the remainder of the total fee of \$303,200 if the contract is terminated.

Motion by Apgar, second by Cantrell to read Proposed Resolution No. 16-20. All yeas, motion carried.

Motion by Duncan, second by Henry to to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 16-20 entitled, " A RESOLUTION APPROVING THE EMPLOYMENT OF APP ARCHITECTURE, INC. TO DESIGN THE NEW FIRE STATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Law Director Stephan advised the Ohio legislature has recently enacted HB 523 which enacted laws concerning medical marijuana, and retail dispensaries, cultivators, and processors of medical marijuana. The law becomes effective on September 8, 2016. Ohio Revised Code Section 3796.29 allows municipalities to prohibit or limit the location of retail dispensaries, cultivators, and processors of medical marijuana within corporate limits. He informed Ordinance No. 2016-09 will impose a 180 day moratorium on the granting of any permit allowing retail dispensaries, cultivators, or any processors of medical marijuana within the City of Brookville. This moratorium period will be used to study and adopt appropriate zoning regulations to address the location of retail dispensaries, cultivators and processors of medical marijuana within the City of Brookville. Numerous other local cities have also adopted moratoriums.

Motion by Duncan, second by Apgar to read Proposed Ordinance No. 2016-09. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third reading and adopt proposed Ordinance No. 2016-09 entitled, " AN ORDINANCE IMPOSING A MORATORIUM FOR A PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS ON THE GRANTING OF ANY PERMIT ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR ANY PROCESSORS OF MEDICAL MARIJUANA WITHIN THE CITY

OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Law Director Stephan informed this will be discussed at the next Planning Commission Meeting also.

Law Director Stephan advised Ordinances 2016-10 and 2016-11 are before City Council to place the proposed charter amendments regarding term limits and content of emergency legislation on the ballot. He informed that Ohio law requires City Council to "forthwith" place proposed charter amendments that are submitted by petition of the electors if those petitions contain sufficient valid signatures of the electors of the City of Brookville. The term "forthwith" has been interpreted as "immediately" by the Ohio Supreme Court. These Ordinances have been prepared as emergency measures because City Council is required to "forthwith" place the questions on the ballot, and we can hold a Special Election on the same day as the General Election of November 8, 2016 if these ordinances are immediately passed and timely submitted to the Montgomery County Board of Elections to be put on the ballot.

Mayor Seagraves asked if it is Law Director Stephan's recommendation to move forward with this process.

Law Director Stephan advised we are required by law to move forward with this process.

Motion by Duncan, second by Letner to read Proposed Ordinance No. 2016-10. All yeas, motion carried.

Motion by Duncan, second by Letner to accept the first reading, dispense with the second and third reading and adopt proposed Ordinance No. 2016-10 entitled, " AN ORDINANCE PROVIDING FOR ELECTION ON AMENDMENT TO CHARTER OF EMERGENCY LEGISLATION, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Member Cantrell read from Section 10.01 of the City Charter.

Law Director Stephan clarified if she was reading from Section 10.01?

Member Cantrell stated she was reading from Section 10.01 under referendums and initiatives.

Law Director Stephan advised Section 10.01 is not applicable to Charter Amendments.

Member Cantrell stated even though we are being asked to remove the emergency legislation option in some cases, we are still going to vote for this in emergency format.

Law Director Stephan stated he realizes the irony of this but the reality is the Ohio Supreme Court stated Charter Amendments need to be placed on the ballot forthwith by City Council once

received and with valid sufficient signatures. He stated we need to move forward with this and he reminded Section 10.01 applies to initiative petitions proposing Ordinances and is not subject to Charter Amendments. He advised Section 11.06 states the Charter can be amended as provided by the Constitution of the State of Ohio and that procedure says if presented with petitions containing valid sufficient signatures Council required to put it on the ballot in either a regular Municipal Election or otherwise on a Special Election whichever is within 60 to 120 day timeframe. Law Director Stephan stated if this is passed tonight, we will be within the time frame to have it placed on the ballot in November.

Mayor Seagraves stated it is a shame that we have to do this and it impedes greatly on the process of City government and as City Officials they take a stance and try to take a proud and progressive approach to making Brookville a great place to live. They try their best to meet deadlines and expectations that people expect from them. He stated it amazes him that prior to Mr. Burkholder coming we have always utilized emergency legislation and the former City Manager was always for passing emergency legislation and now the former manager is no longer manager and totally against passing emergency legislation.

Member Apgar agreed.

Member Duncan stated he disagrees, it has happened over the last few years prior to Mr. Burkholder. It all started with the Fairgrounds when Council took it upon themselves that they knew better and passed emergency legislation. He stated when meetings were held in the past related to the Fairgrounds there were a lot of people that spoke out against the fairgrounds and some of them did not even live in Brookville. Member Duncan stated this is when all of the trouble started.

Member Cantrell stated she has not been around as long as Member Duncan, and she understands the people want to be heard and are concerned with the passing of emergency legislation, but what is most disconcerting to her is to see our former City Manager leading up a group against the City. She stated in Council Minutes from 2006 there was a motion to pass Resolution 06-02 to re-appoint City Manager, John Wright and declare it an emergency. She stated this goes back a lot of years. She stated former City Manager used emergency format on many occasions for a lot of different legislation and if you review over Minutes from several years ago, you can see how often emergency legislation has been used over the years. She asked, so why would he be leading the charge on this issue? That concerns her.

Member Duncan asked if former City Manager, John Wright is on the committee submitting petitions?

Member Cantrell stated his name is on that committee and he obviously has an understanding of emergency legislation because he had done it for all of those years, you would think he would know how he is harming the City. She stated that makes her suspect the motivation behind the

petition for emergency legislation. She stated we had three readings on the Ordinance, it was not passed in emergency format.

Member Cantrell stated it is very disconcerting to her just like some of the comments from audience members and also past comments that have been made to Council Members after the meetings like “the gloves are now off.” She asked what are we fighting about, we are supposed to be trying to make the City better not picking on the City Manager over water lines and where they are located.

Member Letner stated some are just asking pertinent questions.

Member Cantrell stated some people are just trying to dig and dig looking for stupid things to make people look bad.

Member Letner asked if Member Cantrell is calling his questions inappropriate?

Member Cantrell stated she only said some questions have been inappropriate not necessarily Member Letner’s.

Member Duncan stated back to the emergency passing, at the last meeting Mr. Crane, who is a part of the committee did not understand everything that this amendment would cause. He states it seems the emergency legislation is only for zoning and financials, not everything.

Member Henry asked if this Charter Amendment will take out voting in emergency format for everything?

Member Cantrell stated yes, Council may have to start having more Special Meetings to take care of certain things in a timely manner.

James Zimmerlin, of 247 Plymouth, stated the Charter Amendment is for matters of taxation and planning and zoning developments and has nothing to do with grants or other possible contracts.

Member Cantrell stated if a grant or contract involves taxes or planning and zoning then it would apply.

Member Apgar stated the the Amendment does not say that.

Mr. Zimmerlin stated it is exactly what it says.

Motion by Duncan, second by Letner to read Proposed Ordinance 2016-11. All yeas, motion carried.

Motion by Duncan, second by Letner to accept the first reading, dispense with the second and third and accept proposed Ordinance No. 2016-11 entitled, " AN ORDINANCE PROVIDING FOR ELECTION ON AMENDMENT TO CHARTER OF TERM LIMITS, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Mayor Seagraves had no report. He thanked Vice-Mayor Cantrell for filling him for him at the last meeting.

Dave Monnin, Park Board President, thanked the Service Department for their work after the Community Picnic especially after the rain. He stated the Park looks the best it has probably ever looked. He informed he is looking for a sponsor for the proposed Dog Park.

Mr. Monnin thanked Erich Haupt and Shawn Landis for their work over the years on the Brookville Park Board but they have both stepped down. He introduced Bonnie Cordes as one of the newest members and Carolyn Haney, who could not be here tonight, will be the other new Member.

Motion by Agar, second by Henry to appoint Bonnie Cordes to fill the unexpired term of Shawn Lanids and Carolyn Haney to fill the unexpired term of Erich Haupt to the Brookville Park Board. All yeas, motion carried.

In Old Business, Mayor Seagraves stated Council will make decisions as elected officials for the best of the community, they will tell the truth and try to provide the most accurate information they have and with that in store, everything is a public record. If a citizen has a question or would like information all they have to do is contact City Staff. He stated he does have a concern with a Mr. Stephen Crane falsely accusing himself and his engineering firm that he works for in doing the preliminary design on the new firehouse. He stated that Mr. Crane had every opportunity to check with the City, it is public record as to who the City is using on the firehouse but instead he filed a complaint with the Auditor of the State which then became a criminal investigation and included interviewing of City Staff.

Mayor Seagraves stated his firm has never done work here and he has been here for 30 years and he would never do anything that would reflect badly on our community. It disturbs him greatly because he tries to do great things for this community and something like this is not just childish but wrong. Mr. Crane lied and misguided the State Auditor's Office. He stated if anyone has any questions as to what he is doing or his firm is doing, then just ask him, don't waste the time of the State Auditor's Office for no reason, it reflects badly on our City.

Mayor Seagraves informed the other report comes from the ex-disgruntled City Manger, John Wright. Mr. Wright filed a complaint with the Auditor of State for wrongful spending. He stated he wished Mr. Wright were present at the Meeting so that he could bring this up with him. Mr. Wright worked for the City for 47 years and he knew this situation where we are working with the County Engineer's office and Perry Township on the project at Brookville-Johnsville Road is

in the City limits. Mayor Seagraves stated we are spending \$12,500 for curbs and sidewalks to be installed by the brand new library, which is a safety issue that should have been done years ago but Mr. Wright claimed it was wrongful spending. We are partnering with the township, who is also contributing \$12,500 on this project for the good of the community and we want things to look great here. He stated it is frustrating because we have wasted time on all of the stuff the State Auditor has to have to clarify these claims and what is troubling is Mr. Wright wants to make these problems. Mayor Seagraves showed to everyone, a purchase order from April 19, 2015 signed by John Wright for \$15,450 for a clock with his name on it to be placed uptown. Mayor Seagraves explained the the point is not the clock, Mr. Wright did a great job, and he does not want to falsify that but the fact that Mr. Wright wants to complain over sidewalks being wrongful spending but yet it was ok for him to spend that much money on a clock.

Member Duncan stated a part of the Market Street improvement was to include a clock.

Mayor Seagraves stated he is missing the point, it's ok for Mr. Wright to spend money on a clock but not ok for money to be spent on a safety project. He informed the Auditor's Office is probably laughing their hats off and they have now made two trips here for nothing, and that looks badly on us.

Discussion and arguing amongst audience members.

Mayor Seagraves stated he has no problems with complaints or concerns but for people to just expose the facts first, there are heated subjects and that is ok but he has a problem when the State Agencies are called in for no reason because they have to respond no matter what and it just wastes everyone's time.

Motion by Apgar, second by Duncan to accept Erich Haupt's resignation from Park Board. All yeas, motion carried.

Manager Burkholder requested an Executive Session per Ohio Revised Code (ORC) 121.22 (G) (1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual.

Mayor Seagraves asked if any action will be taken.

Manager Burkholder stated no.


Motion by Cantrell, second by Henry to go into Executive Session. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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



Meghan Wheeler, Clerk



David E. Seagraves, Mayor