

Brookville City Council
Regular Meeting
December 20, 2016

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on December 20, 2016 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Henry, Kirklin and Letner; City Manager Burkholder, Police Chief Jerome, Fire Chief Fletcher, Finance Director Keaton, Law Director Stephan, Clerk Wheeler and Public Service Director Williamson were present. Member Duncan was absent.

Roll Call by Clerk Wheeler.

Mayor Seagraves informed under number 5 on the Agenda, the presentation by the Montgomery County TID will be removed from the Agenda they have asked to be rescheduled.

Motion by Apgar, second by Kirklin to approve the Agenda. All yeas, motion carried.

Motion by Apgar, second by Henry to approve the Regular Council Meeting Minutes of December 6, 2016. All yeas, motion carried.

Karen Wissing, a volunteer for the Melanoma Research Foundation requested Council approval to hold the 2nd Annual Block the Sun Run at Golden Gate Park. She informed last year was the first year for the event and they raised \$3,600. She would like to hold the event on Saturday, May 20, 2017 at 9:00 a.m.

Chief Jerome stated he has spoken briefly with Ms. Wissing. He does not think there should be any scheduling conflicts, she is one of the first requests for the new year.

Member Kirklin asked if there would be any problems with baseball schedules starting at 9:00 a.m?

Ms. Wissing informed last year they were done by 10:30 a.m. She stated they planned this year's walk for the same weekend as last year because it seemed to work out well last year with no problems.

Motion by Kirklin, second by Cantrell to approve the 2nd Annual Walk the Sun Run on Saturday, May 20, 2017 at 9:00 a.m. All yeas, motion carried.

Mayor Seagraves informed he is thankful Member Cantrell is present. She lost her brother last week and she is in everyone's thoughts and prayers.

Manager Burkholder reported an update on the Firehouse. He informed we are waiting for signatures on the final Agreement for the regional detention plan. A Utility Coordination Meeting was recently held at City Hall. He stated as the Mayor already announced the presentation from Montgomery County Transportation Improvement District has been postponed.

Manager Burkholder informed we will need to schedule a Work Session sometime in January. He suggested holding the Work Session sometime between the first and second Council Meeting in January.

Mayor Seagraves stated he is working with Finance Director Keaton on possible dates to hold a Work Session in order for Council to have some clarification on some projects that need to be tied down.

Manager Burkholder informed the Water Distribution System Analysis report has been received in its final draft form and has been forwarded to City Council as a pdf. He has printed and

provided Council with pages 17 and 18 regarding line replacement costs.

Manager Burkholder stated the 2017 Budget Workshop with Council was well presented and received. The adjusted budget will be presented to Council at the December 20, 2016 City Council meeting for approval.

Manager Burkholder reported he has been in contact with the Dayton Development Coalition and the Montgomery County Community Development Department regarding business expansion and retention visits to Brookville businesses. He informed the process has been a little slowed down due to Zoning Officer Snedeker being out due to surgery and he will probably be out through the rest of December. He stated Clerk Wheeler is currently organizing the January business breakfast. The breakfast will be held on Friday, January 20, 2017 at 7:30 a.m.

Manager Burkholder informed he is moving forward with the water solution at the Northbrook Industrial Park. He requested approval by motion to allow him to move forward with a capital budget request. He has already forwarded some information to Representative Rezabek's office for the capital budget that the State of Ohio will pass that allows communities to submit requests to request funding for capital improvements projects. The funding is not guaranteed. The improvements proposed for the Northbrook Industrial Park including estimates have been submitted for review to Representative Rezabek's aide. He would like authorization from Council to pursue state funding further for the Northbrook Industrial Park and will come back to Council for future approval if approved for any funding.

Motion by Cantrell, second by Kirklin to allow Manager Burkholder to pursue state funding options for the Northbrook Industrial Park. All yeas, motion carried.

Mayor Seagraves wanted the record to reflect that he was mis quoted on his statement that there were no citizens present at the recent Work Session and that Bruce Garber was present at the Budget Work Session for the entire session.

Member Letner informed he had asked at the last meeting about the street lights being updated. He did notice last week the project has begun.

Manager Burkholder informed the City Office has received some feedback on some of the placement of the lights and if anyone should have any questions or concerns as the new lights are put in to certainly contact the City Office.

Finance Director Keaton requested Council approval to issue a check to Montgomery County Sheriff, in the amount of \$4,808.16 for Radio User fees; Fishel, Hass in the amount of \$3,467.50 for Labor Matters, and Dayton Power and Light Company, in the amount of \$3,839.53 for the installation of single phase electric at Golden Gate Park. She informed that all three invoices were received this month and exceed the \$3,000 amount that she can issue a Then and Now Purchase Order for and the payments are due by December 31, 2016.

Motion by Cantrell, second by Apgar to authorize Finance Director Keaton to issue checks to Montgomery County Sheriff, in the amount of \$4,808.16 for Radio User fees; Fishel, Hass in the amount of \$3,467.50 for Labor Matters, and Dayton Power and Light Company, in the amount of \$3,839.53 for the installation of single phase electric at Golden Gate Park. All yeas, motion carried.

Finance Director Keaton requested Council approval for Change Order #1 on the Market Street Extension Project Management and Financing Agreement, Phase 1, with the Montgomery County Transportation Improvement District at an increased amount of \$1,750. She informed when this Agreement was signed in September, a Purchase Order was issued for \$118,276, which included \$15,000 as a Contingency, as we one at the time a Traffic Study would have to be completed. She reported the Traffic Impact Study and the Geotechnical Work that was requested totaled \$16,750.

Motion by Cantrell, second by Kirklin to approve Change Order #1 on the Market Street Extension Project Management and Financing Agreement, Phase 1, with the Montgomery County Transportation Improvement District at an increased amount of \$1,750. All yeas, motion carried.

Finance Director Keaton requested Council approval for the Montgomery County Public Defender Agreement for 2017. She informed the Agreement is the same as this year with the exception of a 2.5% rate increase. The 2017 rate will be \$167.05 per case and to date we've had three cases in 2016.

Motion by Apgar, second by Cantrell to approve the Montgomery County Public Defender Agreement for 2017 with an increased rate of 2.5% from 2016. All yeas, motion carried.

Finance Director Keaton requested Council approval to receipt 90% of the revenue from EMS Billing into the General Fund for operations of the Fire Department and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund for 2017, which was the same as 2016.

Motion by Apgar, second by Henry to authorize Finance Director Keaton to receipt 90% of the revenue from EMS Billing into the General Fund for operations of the Fire Department and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund for 2017, which was the same as 2016. All yeas, motion carried.

Finance Director Keaton requested Council approval to set the labor rate for the Service Department Mechanic at \$45 per hour for 2017 for work performed on the City Fleet.

Motion by Cantrell, second by Apgar to allow the labor rate for the Service Department Mechanic to be set at \$45 per hour for 2017 for work performed on the City Fleet. All yeas, motion carried.

Finance Director Keaton requested Council approval to allow a Super Blanket Purchase Order Certificates in 2017 for recurring monthly and quarterly expenditures.

Motion by Apgar, second by Cantrell to allow Finance Director Keaton to issue Super Blanket Purchase Order Certificates in 2017 for recurring monthly and quarterly expenditures. All yeas, motion carried.

Finance Director Keaton reported as Member Letner has already mentioned, Miami Valley Lighting is in the process of switching out mercury vapor bulbs with LED bulbs and the project should be completed by the end of January 2017.

Finance Director Keaton informed the fifth Annual Report Calendar is scheduled to be mailed along with the Winter edition of our City Newsletter soon. She stated all City residents and businesses should receive this in their mail the first week of January. She thanked all of the Department Heads for submitting information for the calendar and Deputy Clerk Kim Duncan for working so hard to put the calendar together.

Finance Director Keaton stated in looking over the 2017 calendar, the first Council Meeting in July falls on July 4 and we need to choose a date to reschedule the meeting to.

Finance Director Keaton informed she is requesting Council adopt proposed Resolution No. 16-31, which amends the 2016 Appropriations and Certificate of Estimated Resources and adoption of proposed Resolution No. 16-32 that adopts our 2017 Appropriations. She stated if there are any questions on either of these Resolutions, she will be happy to answer them when he read them under New Business.

Public Service Director Williamson reported an update on the 269 Foothill Drive project. He informed the Wall board was installed in the mechanical closet and the Furnace installation is in the process.

Public Service Director Williamson informed his department is preparing for the Shelter #2 demolition. Surveyors will be on-site this week to work on the site plan for the shelter and to identify utilities.

Public Service Director Williamson reported crews repaired two main breaks recently on 12/17/16 at 3:30 a.m. on Sycamore Street, south of Lisa Court and on 12/18/16 at 9:30 a.m. on Albert Road north of Hay Avenue.

Public Service Director Williamson informed the Service Department has been working on snow and ice control. They have applied approximately 144 tons of salt for the December 12 snow and the December 17 and 18 ice events

Public Service Director Williamson informed he attended a Construction Inspection Seminar hosted by Ohio APWA.

Public Service Director Williamson Generator Transfer Switch Logic circuit replacement

Public Service Director Williamson reported for the month of November 31.05 tons were recycled.

Fire Chief Fletcher reported this time of the year the Fire Department tends to receive a lot of treats and cards. It seems this year they have received four times the amount as in past years. He informed a number of people have taken the time to stop in and thank the firefighters. The Fire Department has had a very busy year and he wanted to thank the citizens for all of their kind words. He stated we do work in a wonderful town and the Fire Department is very thankful for all of the citizens.

Fire Chief Fletcher thanked the Service Department for their help with an ambulance who was returning from the hospital and became stuck on a county road during the recent ice storm. Unfortunately, the ambulance was missing calls that continued to come in due to the bad weather. He informed some of the service guys came out and helped get the ambulance freed up and back on the road. This was an event that didn't just effect Brookville and was a big deal because everyone was affected by a natural disaster and we couldn't just call a neighbor because they were all experiencing a high volume of calls also due to the weather. He informed his Department greatly appreciated the extra effort from the Service Department. He described that in town our roads are fairly level but out on the county and township roads those roads are constructed in a crown which help with a lot of rain but not with the ice, which can be fairly nerve wracking for operators.

Fire Chief Fletcher informed there has been an uptick in heroin related calls. There was a recent time period where they was a span of several days where they were taking a heroin related call every other day.

Fire Chief Fletcher informed long time firefighter and Brookville resident Bob Batz passed away. The viewing will be held tomorrow. He stated with Council's blessing, one of our fire trucks will escort Bob from the funeral home to the cemetery. He informed it would not be an engine that would affect service in any way. At the request of the fire fighters and the family they would like an engine to escort Bob.

Member Kirklin asked if a motion was needed?

Chief Fletcher stated typically no motion needed, but he wanted to give everyone a chance to voice a concern or ask questions.

Member Henry stated that is a lovely idea.

Fire Chief Fletcher informed this has done been before but he wanted to explain why to Council and in this situation, Bob Batz served 36 years on the Fire Department and this is just the right thing to do. He will be buried in his fire department dress uniform as requested by his family.

Mayor Seagraves stated anyone that knew Bob Batz knew he was the ultimate cheerleader for Brookville, Bob always did the right thing and had a major impact on our community. His whole family was totally committed to the betterment of this community and thoughts and prayers are with the family.

Police Chief Jerome reported the Brookville Police Department handled 653 Reportable Incidents year-to-date, compared to 593 during this same time last year. Police Chief Jerome reported Citations are down a total of 63 Citations year-to-date, for a total of 413 Citations issued year-to-date. There were 95 traffic stops for November compared to 153 during November 2015.

Police Chief Jerome stated Toys for Tots is wrapping up. He informed they met with the school again today to ensure they haven't missed any families.

Police Chief Jerome informed Member Letner that hopefully we will have the traffic study results back by the next Meeting in January.

Law Director Stephan advised that at the request of City Council, he is presenting a memorandum to address the issues related to commencing a review of the City Charter. He informed Ohio cities that have charters fall into two categories regarding charter review. Some cities have in their existing charters a provision that mandates review of their charter periodically, and these provisions often provide a framework for the number of members of the commission and rules regarding the process. For example, the City of Clayton, Ohio has Charter Section 7.03 which requires that a Charter Commission meet every eight years, and mandates that the commission have nine members. Other Ohio City Charters do not have a requirement for charter review at any specific time. He has reviewed our Charter, and did not find any provision that mandates the establishment of a charter review commission at any specific time. Our Charter also does not have any specific requirements as to the size and composition of the Charter Review Commission. Therefore, City Council can establish a Charter Review Commission as it deems appropriate.

Law Director Stephan stated he has reviewed a number of Charter Review Commissions for Ohio cities. Most of these commissions have between five and nine members. Some of these commissions are composed solely of citizens. In other cases, one or more Council Members are on the commission as members of the commission. The City Staff typically provides assistance to the Charter Review Commission. The Charter Review Commission meetings are a public meeting, and members of the public would attend. The Charter Review Commission would adopt by-laws to govern its operation. The Charter Review Commission can also hold public hearings for comment by citizens on any proposed charter amendment.

Law Director Stephan recommended that City Council determine the size and composition of the proposed Charter Commission including the number of members. He stated it is the Staff's recommendation that the commission would include at least one member of City Council. The City Manager, City Law Director, and City Finance Director would participate in the meetings as non-voting members of the Commission. Upon the determination of the membership of the committee, a resolution would be approved by Council appointing the members to the Charter Review Commission.

Mayor Seagraves suggested Council think this over and consider if they would like serve on the committee or know of a citizen that would be a good candidate and then pass along any thoughts to Manager Burkholder.

Member Kirklin asked if there are any citizens present tonight that might like to serve on the committee?

Mayor Seagraves stated if any citizen is interested in serving on the Charter Review Committee, they should contact Manager Burkholder.

Member Cantrell asked if a Charter Review Meeting is a Public Meeting and if minutes are taken?

Law Director Stephan advised that every Charter Review Committee he has looked into has held Public Meetings, adopted by-laws and minutes were taken. He stated the public is welcome to attend and add any input they may have. Once through the initial process and have identified possible changes to the Charter the Committee will hold several Public Hearings.

Mayor Seagraves stated this is something important that needs done and is way overdue.

Mayor Seagraves wished everyone a safe and very Merry Christmas. He thanked City Staff for all of their hard work this year.

In Old Business,

Motion by Kirklin, second by Henry to read proposed Ordinance No. 2016-14. All yeas, motion carried.

Mayor Seagraves asked for a Staff recommendation.

Manager Burkholder stated we needed to have a 3rd reading of the proposed Ordinance because we have 30 days to make a decision. This is an Ordinance that would repeal Ordinance No. 2016-08 that was passed on June 7, 2016. Back in June, the Ordinance stated we would reduce our income tax credit from 2% to 1%. Ordinance No. 2016-14 before Council tonight would repeal the Ordinance passed back in June. Manager Burkholder stated the Staff recommendation is and has been for Council Members to vote no. The City needs the income tax credit reduction, it was needed when it was passed in June. The recent Budget Work Session, draft Water Model Study and the water issues we are facing at the Northbrook Industrial Park, all justify the need for the additional revenue.

Mayor Seagraves stated after the recent Budget Work Session the numbers are justified and the additional funds are needed and he will be voting no. He informed this does affect him and his entire family including his married children. He stated the fact is that the people who live here that are retired or work in the City is who this does not affect.

Member Kirklin wanted to echo Mayor Seagraves and she too will be voting no. She informed this affects her and her family as well. Considering what we have lost with the changes within the state and then to compare that with our gain, it isn't logical that with the capital improvements that we so desperately need. Additionally, a lack of a capital improvement plan for many years means we have failed to "eat our elephant one bite at a time" and that has to be rectified, she does not want to be in this position. She has a passion for the people of this City and the City itself. She stated she cannot in good conscience vote yes on Ordinance 2016-14. Member Kirklin stated an independent, well rebound objective third part Moody's, looked at our finances and rated them. This is someone removed from all of the pieces and is simply looking at only the finances and not looking at all at the enormous amount of capital improvements needed. They looked at our finances and sited that our revenue stream was insufficient and that is indisputable, which is a key reason for her vote against the repeal.

Member Apgar stated he will also be voting no. Brookville needs it, we need this income. He stated we have a lot of people present tonight and coming to some Council Meetings but no one

but Mr. Garber was at the Budget Work Session. The Work Session showed what we needed and that is money. We do not have the funds to do a lot of the projects desperately needed. He informed if we want to keep Brookville what it is today then we need the extra money.

Member Henry informed she loves our City and has for the last 25 years she's lived here. She stated when she came on board for City Council it was to do the best that she could do to help our community stay strong. She stated no one likes to reach into their pockets and give more but we have to right now, our City needs everyone to help. She will also be voting no.

Member Letner stated everyone heard his comments at the Public Hearing. He stated he will be voting yes. He understands that we need the money but it was the approach taken, the back door approach that he does not agree with. He stated there is another way to go about this, a lesser amount, the right way would be to put it out before the people for their vote. He also stated Economic Development would also be a way to get money in, not just by taxing the citizens who work outside of the City, that seems unfair to target only a select group of citizens.

Mayor Seagraves stated everyone else is already paying taxes.

Member Letner stated if you work outside of the City then you will be paying an extra 1%.

Member Apgar stated putting it on the ballot for everyone who is already paying the 2% tax makes no sense.

Member Cantrell stated the whole tax issue is really us being at the mercy of the State of Ohio. She informed the Ohio Revised Code states that the tax is paid by the residents of a City or Village that has imposed a Municipal Income Tax as well as non residents who work in such a municipality so we have imposed a tax and we are allow to do that by the State. However, the State gives Municipalities special provisions and Municipalities may offer partial or full credit to residents who pay to different Municipalities where they are employed. So technically, other Cities have allowed this credit so the citizens can keep some of their income tax money because they are paying to other cities. This is an offer we are allowed to give but also rescind, so this is not a tax which is what Manager Burkholder has said all along.

Member Cantrell described the loss of employers and loss of inheritance tax have played an important role in our need for funds but also on the flip side our expenses still continue to climb. She stated growing the economic base of Brookville, as Member Letner suggested would ease the financial tug-of-war. However, we cannot grow our businesses or ask people to invest in our community, if we are not willing to invest ourselves. She explained this affects her too because for the first time she will finally pay City income taxes. She will be paying some of the money she probably should have been paying all along and she too will be voting no.

Motion denied with 5 nays and 1 yea.

Apgar, Cantrell, Henry, Kirklin and Seagraves voted nay and Letner voted yea.

Motion by Cantrell, second by Kirklin to read proposed Resolution No. 16-30. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to approve the second reading of Proposed Resolution No. 16-30 entitled, " A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2017 FOR THE TAX YEAR 2016."

In New Business,

Motion by Kirklin, second by Apgar to re-appoint Jennifer Vance as a member of Park Board for the next three year term. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to re-appoint Kelly Kopf as a member of the Board of Zoning and Appeals for the next five year term. All yeas, motion carried.

Motion by Apgar, second by Kirklin to read Resolution No. 16-31. All yeas, motion carried.

Finance Director Keaton explained this is a housekeeping item presented to Council at the end of each year.

Motion by Apgar, second by Kirklin to accept the first reading, and dispense with the second and third reading of Resolution No. 16-31 entitled, "A RESOLUTION AMENDING THE 2016 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Apgar, second by Cantrell to read proposed Resolution No. 16-32. All yeas, motion carried.

Finance Director Keaton explained the corrections made to the 2017 Budget from the Draft Budget previously presented.

Motion by Cantrell, second by Kirklin to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 16-32 entitled, "A RESOLUTION TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF BROOKVILLE, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017, AND DECLARING IT AN EMERGENCY."

Mayor Seagraves asked for an update on the open seats for the City's Boards and Commissions.

Clerk Wheeler informed there are currently five open seats on the various Boards and Commissions. A description has been put together of the various openings available and the terms served. If anyone has any questions they can contact her at the City Office Building. She stated Staff is trying to spread the word to anyone interested in serving, there are currently two open seats on the Planning Commission, one open seat on the Records Commission, one open seat on the Board of Zoning and Appeals and one open seat on the Civil Service Commission.

Member Cantrell asked how long have we been advertising for the open positions?

Clerk Wheeler stated almost two in a half months.

Member Kirklin asked how many resumes have been received.

Clerk Wheeler stated she has received three resumes.

Member Cantrell suggested anyone in the audience who may know of someone interested in filling the open seats to contact the City Office. She stated she is also concerned because the electors passed legislation to limit Council terms and if we can't fill the little board seats, how are we going to fill Council seats in the future. Serving on a board is a great way for someone to segue into a Council seat because you can learn how the City operates and the rules of Public Meetings. Being on Council isn't just about sitting in a meeting listening to the Staff talk about day to day items but also how plans are approved, zoning appeals, and Park Board which are all a part of the City and if we can't get people to participate in that how will we have people run for Council in the future?

James Zimmerlin, of 247 Plymouth Avenue, stated a lot of people don't understand what boards and commission do. He stated a lot of other communities have what is called Civics 101 to help educate the citizens. He suggested putting together something where residents can come in and learn about what the committees do and what kind of time is needed.

Mr. Zimmerlin stated he hopes that moving forward, more comments can be published on the City's Facebook page or website for example, the minutes from the Public Hearing.

Member Kirklin asked if the description Clerk Wheeler put together has the information included that Mr. Zimmerlin is asking about?

Clerk Wheeler stated yes, there is a brief description for each of the open seats available by the sign-in sheet tonight.

Member Kirklin suggested anyone interested should pick up a flyer by the door for more information of descriptions and terms.

Member Cantrell stated that communication is part of the problem, not everyone reads the Brookville Star and not everyone can come to a meeting.

Mr. Zimmerlin stated Facebook is a great way to communicate.

Member Kirklin stated the openings have been posted previously to the City's Facebook page.

Member Cantrell stated she began her service by serving on the Board of Zoning and Appeals and then she served on Planning Commission and she remembers interviewing with about 13 other people.

Member Kirklin asked if the minutes are on the City's website?

Clerk Wheeler stated Regular Meeting Minutes are always posted on the City's website.

Law Director Stephan stated the transcripts from the recent Public Hearings are not on the website, only the minutes from the meetings.

Manager Burkholder stated the transcripts are available for anyone to request a copy of but they can be added to the City's website.

Tom Brant, 183 Brookwood Drive, stated he does not understand the comments made regarding citizens not showing up to the Budget Work Session. He stated they can't change anything being discuss so what's the point in coming?

Member Apgar stated if people were to come to the Budget Work Session then people could find out why we do things. Everyone wants to complain without having all of the facts and there were times for discussion at the Budget Work Session but also presentations from the Department Heads explaining what they need and why. He stated everyone should know what we are spending money on and why?

Mr. Brandt asked if there is any specific reason or a common denominator as to why there are so many open board seats?

Mayor Seagraves stated three people who left were over 70 and one had to resign due to their job.

Member Kirklin stated one person passed away. It is time for our youth to get involved.

Bruce Garber, 434 Sycamore Street, stated the water main break on Sycamore Street would have

been a great time to receive a hyper reach phone call. He did have brown water at his home.

Mayor Seagraves stated that is a good point.

Member Kirklin asked if we can carve out people's numbers that are located on the street wherever the water main break is?

Fire Chief Fletcher explained yes we can carve out specific numbers. He informed his original goal was for the other Department Heads to have easy access to the Hyper Reach system in order to add alerts. He explained he has not set that up yet but will have it done by the next Staff Meeting in order to help his fellow Department Heads have access from their phones to send out alerts in situations like this.

Mr. Garber suggested maybe other streets in the vicinity of the water main break could be included. He stated the Hyper Reach system is a good form of public relations.

Mr. Garber informed he complained of a street light near his house being out and within two days it was fixed, which was great. The light even seems much brighter.

Mr. Garber stated people who live in Brookville and work elsewhere pay taxes elsewhere which is taking money out of the local economy and it will hurt local business and will degrade the quality of life in Brookville. He stated the City will not be as vibrant as it could have, placing a second burden on people. Mr. Garber stated the citizens will give direction in May as to where they would like the City to go.

Brian Smith, 815 Flanders Avenue, stated he has spoken before and provided written testimony and remains disheartened as to how this has all went down with the tax reduction. He informed he will take to heart some of the information discussed tonight and consider applying to one of the open board seats. He stated he was pretty active in the petition process and has recently received several phone calls from people asking him questions. He asked the status of a capital improvement plan? He was not able to make the Budget Work Session but would like an update. He asked how do we not have a capital improvement plan but yet we know we need money?

Manager Burkholder stated putting together a capital improvement plan is a process and we have been doing that over the last 18 months. We have been looking at what is needed. He presented to Council a projected 10 million dollars of projected costs in needed projects. We have to start with the engineer's estimates in order to help understand the costs needed. He explained that is not only projected for one year, but five years out and then do revenue projections.

Mr. Smith stated there is a credibility issue and Manager's Burkholder is the same answer as before.

Manager Burkholder stated there is a document that is a public record and anyone can request a copy of it and it lists the projected plans for next year that we will continue to build upon.

Mr. Smith stated he is not trying to come off as a smartalec but there is a credibility issue because money is being taken from the citizens without asking.

Mr. Brandt asked if there has ever been a five year plan?

Mayor Seagraves stated there has never been a five year plan until Manager Burkholder came on board.

Mr. Smith stated his point is that there is a credibility issue especially with what has previously been published and maybe he misread it but there is an opportunity to publish better information because he believes in May the voters will vote to turn back the tax credit.

Manager Burkholder asked Mr. Smith if he would like a copy of what has been prepared so far as a capital improvement list?

Mr. Smith stated he would like a copy but the City should get the information out better to the citizens to show that there is really a need.

Member Cantrell stated the facts of what money is needed for have been stated over and over again at Meetings where no one has been in the audience to listen.

Member Kirklin stated if Mr. Smith can't be at every Meeting maybe he should contact the City office to answer some of his questions and the people that are calling him should also be contacting the City Office with their questions.

Mayor Seagraves stated he can see Mr. Smith's point about making sure we are getting the information out to all residents.

Member Cantrell stated we do need to be communicating the fact that we do have urgent needs within the City.

Member Kirklin stated she has not heard one person say they don't see a need. This is why everyone needs to work together instead of splitting the hairs over the how, we all understand the why which is the bigger picture. The essence of what Mr. Smith has brought up is valid but instead of everyone working against each other over minute details, we all just need to work together to ensure all of the information is as readily as we can make it.

Member Cantrell stated we need everyone's help in communicating to everyone that the City does have needs.

Mr. Brandt stated at the end of it all, how much is needed. Would a .25% increase do?

Member Cantrell stated she doesn't know the exact amount.

Manager Burkholder stated no .25% would not be enough. From last June until now we have discovered so many new deficiencies. We really learned a lot in doing the Water Modeling Study. We have also been hit with issues at the Northbrook Industrial Park. The need has not decreased from June until now, it has actually increased. Once the final draft of the Water Modeling Study is completed, which right now is about a 70 page document, that will be available for anyone to review, it is a public document. Ten million dollars have already been identified in issues needing corrected. He informed in 1991 a million dollar liability was identified but due to the recession and other factors those issues have never been addressed. Our City is not alone in this situation, there is a capital improvement crisis in this country. As a Staff, we are dedicated to the Economic Growth of this community but we cannot bring new businesses into Brookville if we do not have the water, sewer and transportation capacities to support the businesses. We have to work on infrastructure along with Economic Development.

Member Kirklin stated the Budget Work Session is not the first time Capital Improvement need was discussed, it was brought up in December 2015. This is not something we have just begun to do in the last 30 to 60 days.

Fire Chief Fletcher stated as we are doing the due diligence of the five and ten year capital improvement plans, we are not finding out that we are going to need any less money as we find out the costs of the five and ten year projections and that is the reality of the situation.

Member Cantrell stated it could be a possibility that if we do make the improvements needed in the future then maybe we could eventually foresee some of these taxes being reduced.

Manager Burkholder stated the loss of employers, inheritance tax are things being imposed upon

us by the state legislature that we don't have a lot of control over. WE can lobby the state legislature. The state government has pushed that tax burden for services onto the local governments. It is hard for Council, school boards etc, to say we need more money but sometimes they don't have a choice. The Ohio EPA is also going to start requiring us to start more asset managing which will be another responsibility to gather even more data. He thinks everyone is now on the same page as to collect more data and let the citizens know the details.

Mayor Seagraves stated he understands what Mr. Smith is trying to say and the City does need to work harder at educating the citizens. He stated it seems a line was drawn in the sand between the citizens and council. The citizens are not mind readers. He suggested everyone let some of these items sink in and work together in the new year. He eats, sleeps and lives in Brookville and there are reasons why we are a growing community but we have to inform our citizens.

Mr. Brandt stated due to a clerical error in the City of Troy they were going to produce a millage and there was decimal spot in the wrong place and now they are going to City Income Tax. Now he has taxes there and in Brookville, where does it stop?

Member Cantrell stated if we do not take care of our City our residences that we have invested in will not have any value.

Dave Monnin, Park Board President, stated whatever city he sells a home in he pays taxes in. He pays a lot of taxes and he isn't complaining.

Member Cantrell stated it all goes back to the State of Ohio who started this whole mess. She stated at the Budget Work Session the carry over of budget was discussed and you can see the money that wasn't spent. She stated Council does not like having to ask everyone for more money

Mayor Seagraves stated and now the State is trying to bail out on some of these issues.

Member Kirklin stated she has tremendous respect for our residents for working so hard and hopefully as we enter 2017 our City as a whole from the citizens to City Council to our schools and every conceivable seat that we completely let go of the retterick and focus on the needs of our city and our citizens and how we can work together to ensure a bright future for all of us.

Mr. Garber stated the natural bias for people is to make the assumption that a group of people spending tax payers money have no limit on what that is because it isn't their money which is why the federal government is so out of control. The citizens are biased because it is their money being spent and feel that some things aren't necessary or exaggerated because you can always spend money if you are spending other people's money. He stated sharing more information will help residents make a better decision in May.

Mayor Seagraves stated that is a point well taken and he is appreciative of the people who come to Council Meetings. There are 6,500 people who live in our City and only a handful of people at Council Meetings. Do people just have that much trust? He will not argue that better communication is a must. He stated Mr. Garber should have seen at the Budget Work Session the amount carried over and the things we didn't do and Council isn't just being spending hogs, they are trying to make everything work.

Mr. Garber stated everyone is entitled to their own opinions.

Member Apgar stated when looking at the money that we are expecting to begin coming in in January, we need to look at the budget and see where the money is coming from and for what because sometimes things happen and you need money for example for a water issue but there isn't enough funds for that and it requires a transfer from the General Fund.

Mayor Seagraves a challenge he will embrace at the beginning of the New Year will be to help

improve communication. He wished the citizens a Merry Christmas and thanked them for their attendance.

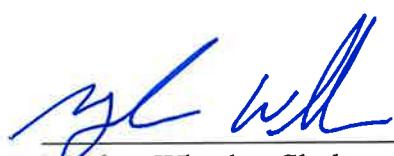
Motion by Kirklin, second by Apgar to enter into Executive Session per Ohio Revised Code 121.22 (G)(4) that states a public body may adjourn into Executive Session to prepare for, conduct, or review a collective bargaining strategy and per Ohio Revised Code 121.22 (G)(3) that states a public body may adjourn into Executive Session with the public body's attorney to discuss a pending or imminent court action. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

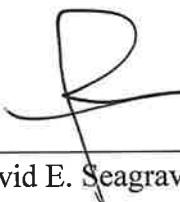
Finance Director Keaton reported the City and the Ohio Patrolmen's Benevolent Association reached a tentative Agreement and requested Council Accept the tentative Agreement negotiated between the City and the Ohio Patrolman's Benevolent Association (OPBA), and to authorize Manager Burkholder to sign the Agreement between the City of Brookville and the OPBA effective January 1, 2017 for a three year period.

Motion by Cantrell, second by Kirklin to accept the tentative Agreement negotiated between the City and the Ohio Patrolman's Benevolent Association (OPBA), and to authorize Manager Burkholder to sign the Agreement between the City of Brookville and the OPBA effective January 1, 2017 for a three year period. All yeas, motion carried.

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



Meghan Wheeler, Clerk



David E. Seagraves, Mayor