

BROOKVILLE CITY COUNCIL
REGULAR MEETING
January 19, 2016

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on January 19, 2016 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Kirklin and Letner; Manager Burkholder, Finance Director Keaton, Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan and Clerk Meghan Wheeler were present.

Mayor Seagraves asked newest Council Member, Sherron Henry, to stand for the Oath of Office to begin her term on Brookville City Council.

Law Director Stephan administered the Oath of Office to Member Henry.

Mayor Seagraves asked for nominations for Vice Mayor.

Member Kirklin nominated Member Cantrell for the Vice Mayor position, second by Member Henry.

Motion by Duncan, second by Apgar to nominate Member Letner for Vice Mayor.

Mayor Seagraves called for a vote from Council Members for the nominees for Vice Mayor.

Member Duncan voted Letner; Member Cantrell voted Cantrell; Member Apgar voted Letner; Member Letner voted Letner; Member Kirklin voted Cantrell; Member Henry voted Cantrell and Mayor Seagraves voted Cantrell. The vote was four yeas for Member Cantrell and three votes for Member Letner. Mayor Seagraves informed Member Cantrell won the vote and will continue as Vice Mayor.

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

Motion by Apgar, second by Kirklin to accept the January 14, 2016 Special Meeting Minutes as presented. All yeas, motion carried.

Motion by Apgar, second by Kirklin to accept the January 5, 2016 Regular Meeting Minutes as presented. All yeas, motion carried.

Fire Chief Fletcher presented awards to recognize two firefighters for 2015.

Chief Fletcher introduced Firefighter/EMS, Joshua Haney, who was hired on in 2014. He also works part time with the Riverside Fire Department. Chief Fletcher informed Joshua Haney is an all-around great employee; he is very hard working, dedicated and a very quick learner. Mr. Haney spent 2015 in the Paramedic education program and will be graduating soon. His EMS skills have stood out in 2015 and have earned him the 2015 EMS Provider of the year.

Chief Fletcher introduced Firefighter/EMS, Joshua Gwin, who was hired in May of 2013. He is also a full time firefighter for the Riverside Fire Department. Chief Fletcher informed Joshua Gwin is an excellent employee with great potential. He has gained the trust of his fellow firefighters as well as his supervisors. Mr. Gwin is often in charge when his crew lacks an Officer. He recently purchased his first home in Brookville and Chief Fletcher is very pleased he decided to set roots here in Brookville. Mr. Gwin is a very hard worker and is the 2015 Firefighter of the year.

Mayor Seagraves asked if Lt. Ullery would be presented his award tonight for Officer of the Year.

Chief Fletcher explained Lt Ullery was unable to leave his regular full time job in order to be present this evening. He will be given his award another time.

Clerk Wheeler reported on behalf of Chamber of Commerce President, Jim McGrath and his idea to hold a farmers market in Brookville. The Chamber would like to begin this Spring/Summer to hold a Farmer's Market. If the idea is ok with Council, then he would like to move forward with searching for a location and volunteers.

Consensus of Council Members was for the Chamber to move forward with their beginning stages of planning a Farmer's Market. They would like to remain informed as the Chamber does move forward.

Member Duncan informed in years past the idea of a Farmers Market had been discussed in front of the Service Garage on Arlington Road.

Member Letner suggested it be held in the Downtown area to help draw people Downtown.

Member Kirklin suggested the Chamber reach out to Katie Henry for help or suggestions. She offered to forward contact information onto Ms. Henry.

Member Seagraves greeted citizens in the audience.

Jerri Letner, of 28 Brookside, wanted to thank Council for their consideration on him filling the open Council Seat. He is very appreciative of their time and a little disappointed he couldn't have been interviewed by his brother, Member Chuck Letner. Mr. Letner stated his brother Chuck only ever sees the jovial Jerri and not the serious Jerri.

Mr. Letner informed he will come back very hard for the next election. He is still very interested in serving as a Council Member.

Jerry Peters, of the Brookville Historical Society, thanked the City for their help with snow removal last week. He is very grateful for the City's support.

Member Cantrell asked the members of the Brookville Historical Society if they have any new information on the repairs needed on their buildings and the costs.

Ms. Cindy Tietge, of the Brookville Historical Society, informed they are still in the process of gathering information and ideas. The group did not have a meeting in December and just recently held a meeting on January 18, 2016. Ms. Tietge informed they will continue to gather their information to present to Council soon.

Manager Burkholder stated the Service Department has not yet looked at the areas needing mowed around the Historical Society's buildings.

Chief Fletcher informed the members of the Historical Society to contact him for help with the inspections of their fire extinguishers.

Kevin O'Boyle from the Brookville Star Newspaper described he is trying to give an editorial push to everyone at the Star to help raise awareness on the Historical Society. He would like to write an article this summer to help push membership for the Historical Society.

Member Cantrell asked when Council needs to know exact details of the Historical Society's funds and bills.

Mayor Seagraves stated Council still needs more info on details which is why members of the Historical Society were to come to tonight's meeting.

Mayor Seagraves asked Finance Director Keaton when she needs to know for sure on the amount to be given to the Historical Society for the 2016 budget.

Finance Director Keaton informed based on the conversation at the December Council Meeting a total of \$7,500 is already included in the budget for 2016. Once Council takes action is when she will issue a check.

Motion by Kirklin, second by Cantrell to approve a \$7,500 grant for the Brookville Historical Society's operating expenses for 2016 and the City will coordinate with them on their grass and snow removal. All yeas, motion carried.

Member Duncan asked Members of the Historical Society if they have heard of the Facebook page of "I Grew Up in Brookville". He informed it is a great site with lots of information of interesting facts from over the years from people who have lived in Brookville.

Member Kirklin agreed the Facebook page is a great site and even recently posted band pictures from the 1970's and are currently looking for anyone who would like to take old sheet music from them.

Member Cantrell added that in order for the Facebook page to be useful, people need to be on Facebook and be able to like certain pages.

Ms. Tietge informed the Brookville Historical Society does have a Facebook page.

Manager Burkholder reported there is a press conference scheduled January 20, 2016 in the Council Chambers at 11:30 a.m. The press conference is to kick off the start of Open Gov and Open Checkbook. Open Gov will have the City's finances and checks live online for anyone to view, this will help citizens to know where their tax dollars are being spent. Finance Director Keaton has worked very hard to ensure the proper information was uploaded into the database. This will be an ongoing service for the community.

Manager Burkholder reported he has attended various meetings and in 2016 there will be a push for updated technology. Updated technology is needed throughout the City from City Council to the Service Department. The goal is for computerization and documentation software to help with City efficiency.

Manager Burkholder informed he and the Mayor recently attended the Mayors and Managers dinner in Vandalia and the Managers roundtable at the Dayton Cultural Center.

Manager Burkholder reported on a meeting with Landscape Architect in regards to possible plans for the Arlington Road Bridge project. Upgrades to the lighting, railings and landscaping ideas were discussed. This is the very beginning stages of this project slated for 2018 but ideas do need to be turned into ODOT prior to the start of any work being done.

Manager Burkholder informed Friday, January 22, 2016 is the Annual Brookville Business breakfast at Brookhaven. Our Zoning Officer, Jim Snedeker co-ordinates this event each year and has invited all of the Business owners in the Community. Randy Chevalley, from ODOT, will be the featured speaker of the breakfast. Mayor Seagraves will also be speaking briefly. Mr. Chevalley will be on hand to answer questions regarding the Bridge replacement scheduled to begin March 2018. Manager Burkholder described the Arlington Road Bridge is scheduled to be shut down from March 2018 through November 2018. The breakfast will be a good opportunity for people to ask questions about this upcoming project.

Manager Burkholder stated John Williamson, Director of Public Works, is present, he has been introduced in the past, however the City recently had their first snowfall of the year and Manager Burkholder has received lots of compliments on how well the Service Department handled the snow.

Finance Director Keaton reported at the last Regular Council Meeting, Council accepted the first reading of proposed Ordinance Nos. 2016-01, 2016-02, and 2016-03, and asked if any Council Member had any questions after reviewing the packet of information that was provided on the proposed rate increases.

Council did not have any questions on the information provided on the rate increases.

Member Duncan asked if the proposed Ordinances are being changed to emergencies?

Finance Director Keaton requested Council accept the second reading and amend the titles of proposed Ordinance Nos. 2016-01, 2016-02, and 2016-03 to add "AND DECLARING IT AN EMERGENCY," and to add Section III to each of these Ordinances to read as follows:

"This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare, and necessary for the further reasons that this Ordinance shall start and be in effect with the March 2016 utility billing. This Ordinance shall take effect immediately upon passage of this Ordinance as provided by the Charter of the City of Brookville."

Motion by Duncan, second by Apgar to read proposed Ordinance Nos. 2016-01, 2016-02 and 2016-03. All yeas, motion carried.

Finance Director Keaton requested Council adopt proposed Ordinance No. 2016-04, which levies assessments for the cutting and removal of weeds, vines and grass during the year 2015. The reason for the emergency measure is to permit timely certification of unpaid assessments to the County Auditor.

Motion by Duncan, second by Apgar to read proposed Ordinance No. 2016-04.

Mayor Seagraves asked if Council Members would like to hear all of the proposed Ordinances be read at once?

Law Director Stephan stated since there is a motion for all of the proposed Ordinances to be read, Clerk Wheeler can read all four proposed Ordinances at one time after a vote is taken to read proposed Ordinance No. 2016-04.

Mayor Seagraves called for a vote on proposed Ordinance No. 2016-04. All yeas, motion carried.

Motion by Duncan, second by Kirklin to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2016-04 entitled "AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS, VINES, GRASS AND/OR OTHER VEGETATION DURING THE YEAR 2015 FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Duncan, second by Kirklin to accept the second reading, amend the titles of Ordinance No. 2016-01, Ordinance No. 2016-02 and Ordinance No. 2016-03 to add "AND DECLARING IT AN EMERGENCY," and to add Section III to each of these Ordinances to read as follows: "This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare, and necessary for the further reasons that this Ordinance shall start and be in effect with the March 2016 utility billing. This Ordinance shall take effect immediately upon passage of this Ordinance as provided by the Charter of the City of Brookville" and adopt Ordinance No. 2016-01 entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3, SECTION 931.20(a), FIXING THE RATES AND CHARGES TO ALL WATER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY", adopt Ordinance No. 2016-02 entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 3, SECTION 935.14(c)(1) FIXING THE RATES AND CHARGES TO ALL SEWER CUSTOMERS IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY" and adopt Ordinance No. 2016-03 entitled "AN ORDINANCE AMENDING THE CODE OF ORDINANCES PART 9, TITLE 5, SECTION 957.06(a) FIXING THE RATES AND CHARGES TO ALL REFUSE CUSTOMERS SERVICED BY THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director Keaton reported she and Manager Burkholder met with Robin Livesay, with Miami Valley Lighting, last week to discuss the new Street Lighting Agreement. A printout of a power point presentation and map that displays the High Pressure Sodium (HPS) and the Mercury Vapor (MV) lights in Brookville was given to Council. The map shows the total number of street lights throughout the City. There are a total 286 Mercury Vapor lights in the City. Finance Director Keaton reported the rates vary between the Mercury Vapor lights, the High Pressure Sodium lights and the LED lights. A rate chart was provided to Council.

Finance Director Keaton reported there are no additional charges to change out the Mercury Vapor street lights to LED street lights. Council has the option of changing the Mercury Vapor lights to LED or High Pressure Sodium lights. The changing from Mercury Vapor lights needs to be completed by December 31, 2020.

Finance Director Keaton reported the City has 292 High Pressure Sodium street lights, of which 204 are eligible to be switched over to LED lights. We currently have six HPS lights that are 50,000 Lumens that are unable to be switched out at this time, possibly within the next ten years. We also have a total of 89 acorn street lights which are unable to be switched to LED lights at this time.

Finance Director Keaton informed Council there is an installation fee to replace the High Pressure Sodium street lights with LED street lights. The installation fee, for the 204 High Pressure Sodium lights that are eligible to be switched out, would be approximately \$5,950.

Member Kirklin asked if there is an estimated length of time expected to recoup upfront cost.

Finance Director Keaton replied it is estimated to take 30 to 40 months to recoup the installation fee before we will see the savings.

Finance Director Keaton stated there are three questions Miami Valley Lighting needs answered: The first question is does Council want to change out the Mercury Vapor lights with LED or High Pressure Sodium lights? Secondly, does Council want to replace the inoperable High Pressure Sodium street lights with LED, or High Pressure Sodium lights? There is no fee to switch out inoperable lights. Lastly, does Council want to replace all of our High Pressure Sodium lights with LED lights at one time, or does Council want to replace a limited amount of the High Pressure Sodium lights each year with LED lights over a period of time?

Mayor Seagraves commented the Cable Council does these negotiations for us. Brookville is one out of about 26 communities they negotiated for. The last lighting contract was done five years ago and this current contract would actually be good for ten years. He informed the prices in the contract are usually good for five years then rates can be renegotiated.

Finance Director Keaton remarked the prices in our current Agreement are locked in for the first five years then rates would increase 5% for the next five years.

Mayor Seagraves stated this is a great deal due to purchasing by volume with other communities.

Member Duncan questioned if it would look strange if lights are fixed as they go out because there would be different types of lights throughout town.

Finance Director Keaton stated that is called the checkerboard effect when lights throughout are different.

Member Letner informed it looks more like a daylight effect with LED lights and more of a yellow glow with the HPS lights.

Mayor Seagraves asked Finance Director Keaton if there is an option to just replace all lights throughout the City at once with LED lights.

Finance Director Keaton stated Miami Valley Lighting has made a commitment in the Street Lighting Agreement to replace all High Pressure Sodium lights with LED lights at a rate of 2,500 replacements per year for the next five years. A priority will be established on a first-come, first-served basis each year until the annual quota is met. If Council would like to proceed with this option we need to indicate our interest to Miami Valley Lighting as soon as possible.

Member Cantrell stated it looks like if the City switched all of the lights to LED lights the electric bill would be \$119 less per month. She also verified that the Mercury Vapor lights

would be replaced free of charge and the City would only be paying for the 204 High Pressure Sodium lights. She feels replacing all of the lights makes more sense.

Finance Director Keaton indicated that Miami Valley Lighting stated the LED lights would last a lot longer than the HPS lights. This would also help in eliminating phone calls from citizens about street lights being out.

Member Letner stated LED lights can last approximately 11 to 12 years with no maintenance.

Member Henry stated she would not like the look of checkerboard lights.

Member Kirklin agreed and said the City already has a certain amount of bad checkerboard lighting in certain areas now that need to be improved.

Finance Director Keaton is waiting on a list of the specific locations where the 89 acorn lights are located that are unable to be replaced at this time.

Member Cantrell guessed the acorn lights must be the decorative street lamps and maybe some in Golden Gate estates.

Finance Director Keaton thought the acorn lights had to be in newly built subdivisions.

Member Letner informed acorn lights can be replaced. He stated it is not as common and probably more costly but that is just a matter of moving the ballast and wiring the light directly. He knows it can be done because he has done it himself in the past.

Motion by Kirklin, second by Cantrell to authorize the City Manager to sign an Addendum to the Full Service Street Lighting Agreement between the City of Brookville and Miami Valley Lighting, LLC that allows Miami Valley Lighting to switch all of the City's Mercury Vapor and High Pressure Sodium cobra head street lights out to LED cobra head street lights, with the City to pay the installation fee to replace the 204 High Pressure Sodium street lights. All yeas, motion carried.

Member Cantrell asked if the light poles can be discussed at this time, for instance, aluminum versus wooden poles. Member Cantrell likes the aluminum poles.

Manager Burkholder informed details of the poles are still being reviewed and an inventory of what we currently have is still being done. He would like to see a consistent look throughout the City. Manager Burkholder reported the cost of upgrading to aluminum poles is approximately \$600 per pole. The wooden poles can be inspected and if the wood is bad then they would be replaced for free. He will keep Council up to date as the inventory process continues.

Member Apgar asked if a pole goes out do they ask us what type of pole we want.

Manager Burkholder answered we should probably have our own inventory list to decide what type of pole we would want where if it needs to be replaced. He will forward information to the Service Department to help in the inventory process.

Manager Burkholder stated the City pays a flat fee per light pole whether the light is working or not. He encouraged residents to contact the City Office if they see any street lights not working.

Mayor Seagraves stated he has received several comments from Citizens on the lights Downtown being very dim and there being a darkness Downtown. He spoke with Manager Burkholder about this recently and they would like to look into what can be done to enhance the lighting Downtown.

Chief Fletcher reported on the Operations report for 2015. He thanked the Mayor and Members of Council for indulging the Fire Department for a few minutes to let them give out their awards. He feels fortunate to have the firefighters he has working for our City and feel their hard work shows with feedback from Citizens and other Fire Departments.

Chief Fletcher reported on a slight downturn in the amount of things on fire when they arrived.

Chief Fletcher reported a total of 1,800 incidents in 2015. He compares activity based on a six year average. The reason for the six-year average is within the Fire Department records he can go back six years and is able to compare "apples to apples" to help give him the best look of tracked information to be sent to the State, and can look at identical information from over the last six years. The most telling of the reports over the last six years is the Fire Department is up 14% in EMS calls.

Chief Fletcher stated that in the Annual reports Brookhaven is usually at the top of the list in the amount of transports. Brookhaven is a thriving business in our Community and not a drain to our Community, we do bill for EMS transports. People are not at Brookhaven if they do not have insurance. The City is compensated for the EMS runs they make. One reason for the increased number of calls is a lot of people in today's world are keeping their aging parents in their homes.

Chief Fletcher reported an increase in false alarms and false calls. A majority of false alarms are due to a malfunction or lack of maintenance on home security alarms. The Annual Operations Report helps to track these false calls and if too many false alarms come from the same address then they will be charged. Chief Fletcher reported a 40% increase in false alarms.

Mayor Seagraves asked if the false alarms are predominantly residential.

Chief Fletcher state the false alarms predominantly come from commercial buildings.

Mayor Seagraves asked if the Fire Department is continuing to see runs to the new Good Samaritan North ER go well.

Chief Fletcher informed Good Samaritan North is a full service Emergency Department however, if someone requires an overnight stay, they will be transported to another hospital. They are seeing a greater number than expected of transports to Good Samaritan North. Chief Fletcher feels the volume and need for overnight stays will cause Good Samaritan North to add on to their facility.

Mayor Seagraves asked if it is Brookville's responsibility to transport if an overnight stay is needed.

Chief Fletcher informed if a transport is needed, Englewood would make these transfers. If a transfer occurs then Good Samaritan North basically eats that bill of transfer.

Chief Fletcher stated the goal is to take a patient to the right destination the first trip. Good Samaritan North is experiencing a growing pain similar to the Soin Medical Center in Beavercreek. They hit their 15 year target in the first 18 months they were open. They had to then quickly add on. Samaritan North already has the addition there, it just need to be finished in the future.

Dave Monnin, of 295 Sunrise, informed he had his grandchildren a few weeks ago and they stopped at the Fire House. He was very pleased because the Fire Department let his grandkids check out and climb in the fire trucks and ambulances. His grandkids thought it was the coolest thing to see inside the Fire Trucks and Ambulances and he feels not a lot of communities would do something like this and he is very appreciative.

Police Chief Jerome reported the Brookville Police Department handled 24 Reportable Incidents year-to-date, compared to 27 during this same time last year. Police Chief Jerome reported Citations are up a total of five Citations year-to-date, for a total of 29 Citations issued year-to-date. Due to some computer problems the information on Traffic Stops was unavailable at the time the report was prepared.

Police Chief Jerome informed the Police Department recently met with a Pastors group for lunch. They do this periodically and usually have lunch with about 10 local Pastors. It is a great way to share information between the City and Ministerial Staff.

Police Chief Jerome reported today the Police Department received word of two new scams in our area. The new Ecuador scam is actually an old trick, where people hone in on the elderly community stating their grandchild was in a traffic accident and hit someone from Ecuador and to send money to Ecuador. A report was filed from a resident that did wire money to someone in Ecuador. When Police followed up on where the money was wired, it was sent from Englewood to somewhere in Ecuador. Police Chief Jerome will forward information to the public as soon as possible. The Police Department was on their way to their second call today as tonight's Council Meeting was ready to start. He stated we have seen other scams in our area from callers claiming to be from Dayton Power and Light and the IRS and now from Ecuador and there always seems to be a new scam every few minutes

Police Chief Jerome informed the Police Department will be holding another "Coffee with a Cop" at Brookhaven in the near future, probably within the next two weeks or so. This is a great event for the Police Department to meet and converse with the residents at Brookhaven. It is also a great time to help educate elderly residents about some of the scams that are going on.

Police Chief Jerome informed he is also in the planning stages for another WASP program, the Female Self-Defense Program. There will be one held in 2016, before summer. This program usually very successful and fills up quickly.

Police Chief Jerome stated he has discussed the purchase of a new Police Cruiser, as we appropriated for in 2016, with Manager Burkholder, Finance Director Keaton and Law Director Stephan. The City usually orders through the Ohio Department of Administrative Services (DAS). Today Chief Jerome began the process of talking with the dealership that has the State bid, which is Statewide Ford. He also spoke with Lebanon Ford, who had the State bid last year and we purchased from last year, and they may be able to come in lower than the dealership that has the State bid this year. Police Chief Jerome is awaiting quotes from both dealerships and would like a motion tonight to approve the purchase from Lebanon Ford if he is able to get a lower overall price from them so he can get the car ordered within the next two weeks to help expedite the final process.

Member Letner asked the total amount budgeted for the new Police Cruiser.

Finance Director Keaton stated \$37,500 was budgeted for the car, equipment and striping.

Police Chief Jerome informed Lebanon Ford quoted him over the phone a few hundred dollars below the amount in the budget. However, he is waiting on something in writing to make sure their quote can include all of the exact equipment and specifications we received last year. We need the Cruisers to match, the striping, lights etc. Last year the equipment alone for the new style of Police Cruiser cost \$7,500.

Member Cantrell asked if Lebanon Ford can do everything the dealership with the State bid can do.

Police Chief Jerome stated we ordered our Police Cruiser from Lebanon Ford in 2015. Lebanon Ford actually uses a local company in Dayton to outfit the car. The dealership with the State bid would not be a local company, it would still be a company from Ohio but not local to us.

Motion by Apgar, second by Kirklin to authorize the City Manager to order a new Police Cruiser from Lebanon Ford if the total price of the vehicle package is less than the Ohio Department of Administrative Services vendor. All yeas, motion carried.

Law Director Stephan reported on the Om Oil liquor application. He had a copy of his memo on OM Oil forwarded to Council. OM Oil is the gas station on North Wolfcreek. On January 15, 2016 Om Oil's legal counsel withdrew their request with the Ohio Division of Liquor Control for the D1, D2 and D6 applications for permits. Council was given a copy of the cancellation request.

Law Director Stephan advised that Council had previously informed this establishment that the City may be willing to accept a request of transfer of C-1 and C-2 permit, which is carryout only from another jurisdiction. OM Oil has located a C-1 and C-2 permit from another jurisdiction that could be transferred to Brookville.

Law Director Stephan requested a motion from Council to authorize Law Director Stephan to execute the TREX form and endorse that the project is an economic development project. OM Oil has provided numbers on the TREX form to show an investment of \$248,000 and the projected tax revenue for this project.

Motion by Apgar, second by Kirklin to authorize Law Director Stephan to execute the TREX form and endorse that the project is an economic development project. All yeas, motion carried.

Mayor Seagraves asked Law Director Stephan to explain the difference between the D and C permits.

Law Director Stephan advised the D permits are for dine in and carryout in a sealed container. They originally requested the D permits because Brookville had no available C permits, we have met our quota. An alternative under Ohio law is called a TREX permit which is a transfer from one jurisdiction to another and if approved by the State of Ohio they would have a C-1 and C-2 license transferred to Brookville which is for carry out only.

Member Cantrell asked if the \$248,000 is to completely raise the current building and start over.

Law Director Stephan replied they plan to expand onto the original building.

Member Cantrell asked if since they are expanding and spending the \$248,000 if that is why it would be considered Economic Development.

Law Director Stephan replied yes.

Member Henry stated it seems like there are already a lot of other Carryout locations in Brookville. We have McMaken's and Speedway and a few other locations and she wondered why we need another so close by?

Mayor Seagraves replied this issue has been looked at, however, the City is not in a position to tell a business no. The State of Ohio would not approve of us turning this down. We have found the safest way to address this concern was to make sure they follow through with the type of permit we wanted to see which is why we voted down the D permit.

Member Apgar informed as long as a business is operating within the right type of zoning area the City cannot be that selective.

Member Duncan added if the City were to object to a liquor permit but the State allows a business to have the Liquor license then they can have it, it is a no win situation for the City.

Law Director Stephan stated the first portion of the Green Tokai expansion project has been completed. They have officially purchased the Parker Hanifan property and the closing has already been completed and the property has been transferred over. Law Director Stephan informed he received an email from Dan Bowers, the North American President for Green Tokai, thanking the City, Members of Council and staff for all of their support on this project. There will be more steps to come in the near future.

Mayor Seagraves thanked Law Director Stephan for all of his hard work on this project. For the City to be able to retain Green Tokai and all of the additional employment opportunities.

Member Cantrell also thanked Manager Burkholder and Finance Director Keaton for a job well done on the Green Tokai project.

Mayor Seagraves requested an Executive Session on a Real Estate Matter.

Mayor Seagraves thanked the Citizens, business officials and the County Officials who attended his recent Prayer Breakfast. He informed it was very successful and very well attended. He is very appreciative of everyone's attendance.

Mayor Seagraves informed the next Planning Commission meeting has been cancelled for January 21, 2016.

Member Cantrell questioned the violation letter sent to the owners of the Dollar General Store.

Law Director Stephan reported the notice of violation was sent out and Zoning Officer Snedeker has met with the local Manager of the store.

Director of Public Works, John Williamson, stated he and Zoning Officer Snedeker met with the local manager of the store. The local manager is aware of the problems and has requested similar work be done by their corporate office. The local Manager thought their corporate office is waiting on Spring time to be the best time for improvements to be done.

Member Kirklin asked if we have any contact information for the corporate office for Dollar General.

Director of Public Works, John Williamson replied Zoning Officer Snedeker has a contact number for the Central office located in Tennessee.

Member Kirklin stated the City may be at a point where we need to contact the central office about these issues.

Director of Public Works, John Williamson informed a notice of the violation was sent to the central office as well as the local store and only the local store manager was available for the on site evaluation. Originally someone from the central office was to meet with them and they were unable to come.

Member Kirklin asked if anyone from Dollar General seemed to realize that the violations need to be fixed within a reasonable time frame and to be clear that if not corrected the City will pursue these violations until corrected.

Director of Public Works, John Williamson stated he received acknowledgement from the local store manager that the violations must be corrected.

Member Duncan asked the status of the curb and sidewalk area of the parking lot and if the repairs needed there is the City's responsibility.

Director of Public Works, John Williamson stated there are options the Service Department is currently looking into to correct the area of the curb and sidewalk.

Manager Burkholder informed after the last Planning Commission meeting when this issue was first addressed, both Manager Burkholder and Director of Public Works, John Williamson evaluated the area to see exactly what would need to be done. The problem seemed to be the catch basin is so close to the turn into the parking lot and people cut the corner to avoid hitting cars in the turn lane and the back side of the catch basin is now raised. Manager Burkholder described that Director of Public Works, John Williamson had an idea to flatten the area for a more solid curb. A smoother curb would help to not damage tires. He said the Dollar Store local manager stated they have had a lot of customers complain about the curb into the parking lot and that the local store has expressed the issue to their corporate office to have the issue fixed.

Member Kirklin asked if the City were to do the work on the curb area, could we bill the Dollar General for the work.

Manager Burkholder stated the catch basin was probably a design flaw and the fact that it is a dedicated right away and the City accepted it, we could probably not bill the store. Manager

Burkholder feels it is worthwhile to correct the problem to avoid people from continually puncturing their tires. The Service Department will look into the exact cost of fixing the curb basin come spring.

Member Cantrell asked if there would be a way to combine the two entrance drives into one and combine the entrance to the bank and Dollar General Store.

Mayor Seagraves stated the drives could not be combined.

Manager Burkholder added it would be quite costly and not a good design. It would also require a lot of cooperation from the bank. Flattening the curb would be a lot less costly. Manager Burkholder stated our Zoning Officer wondered how the current design was even approved years ago.

Motion by Apgar, second by Duncan to read proposed Resolution No. 16-02. All yeas, motion carried.

Motion by Duncan second by Kirklin to accept the first reading, dispense with the second and third reading and adopt Resolution No. 16-02. "A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS PROPERTY EITHER AT A PUBLIC AUCTION, A PRIVATE SALE, OR BY INTERNET AUCTION, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

There was no Old Business

In New Business, Member Kirklin encouraged everyone to attend the Science Fair at the High school on January 20.

Mayor Seagraves described with the cold weather upon us to make sure everyone brings their animals inside and not let animals be out in extremely cold weather.

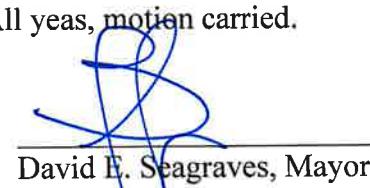
Motion by Duncan second by Apgar to go into Executive Session on a Real Estate Matter as requested by Mayor Seagraves. All yeas, motion carried.

Mayor Seagraves call Council back into Regular Session.

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



Meghan L. Wheeler, Clerk



David E. Seagraves, Mayor