

Brookville City Council  
Regular Meeting  
November 1, 2016

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 6:30 p.m. on November 1, 2016 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Henry, Kirklin and Letner; City Manager Burkholder, Finance Director Keaton, Police Chief Jerome, Fire Chief Fletcher, Law Director Stephan, Clerk Wheeler and Public Service Director Williamson were present.

Roll Call by Clerk Wheeler.

Motion by Cantrell, second by Apgar to recess the Regular Meeting of Council in order for the Public Hearing for proposed Ordinance No. 2016-14 to repeal Ordinance No. 2016-08 to begin. All yeas, motion carried.

Law Director Stephan began the Public Hearing at 6:32 p.m. on proposed Ordinance No. 2016-14 to repeal Ordinance No. 2016-08.

**The Public Hearing was recorded and is on file with the Clerk at the Municipal Offices.**

Law Director Stephan administered the Oath of Witness to those who expressed an interest in presenting their testimony.

A complete transcript of the Public Hearing was made by Christy Gallagher, of Mike Mobley Reporting; the transcript of the Public Hearing is available in the City Offices.

Motion by Cantrell, second by Apgar to close the Public Hearing. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to recess until 7:30 p.m. for the Regular Council Meeting. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to re-open the Regular Council Meeting. All yeas, motion carried.

Fire Chief Fletcher and Police Chief Jerome arrived at 7:30 p.m. for the Regular Council Meeting.

Mayor Seagraves stated a very unfortunate situation took place last night in the City involving one of our Brookville Police Officers. He stated this incident was an unfortunate circumstance and our Police and Fire Departments have done a great job in handling this situation. He thanked the other jurisdictions involved for their help. He thanked Sheriff Phil Plummer and the entire Montgomery County Sheriff's Department, the Ohio State Highway Patrol and all other jurisdictions who responded. He asked for a moment of silence for all of those involved. He stated anything can happen in an instant.

Mayor Seagraves welcomed the audience.

Mayor Seagraves requested Council to shuffle the arrangement of the Agenda by moving the Executive Session to the beginning of the Meeting instead of the end.

Motion by Cantrell, second by Kirklin to approve the Agenda as amended. All yeas, motion carried.

Motion by Kirklin, second by Apgar to go into Executive Session per ORC 121.22 (G)(6) to discuss details relative to the security arrangements and emergency response protocols for a public body or a public office and per ORC 121.22 (G)(1) to consider the appointment,

employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. All yeas, motion carried.

Motion by Duncan, second by Apgar to go back into Regular Session. All yeas, motion carried.

Motion by Duncan, second by Cantrell to approve the Regular Council Meeting Minutes of October 18, 2016. All yeas, motion carried.

In Old Business,

Motion by Cantrell, second by Kirklin to read proposed Ordinance No. 2016-16. All yeas, motion carried.

Motion by Duncan, second by Cantrell to approve the second reading of proposed Ordinance No. 2016-16 entitled, "AN ORDINANCE ESTABLISHING A COMMUNITY REINVESTMENT AREA." All yeas, motion carried.

In New Business,

Motion by Cantrell, second by Apgar to read proposed Ordinance No. 2016-17. 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. 2016-17 entitled, "AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Apgar, second by Henry to read proposed Resolution No. 16-28. 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 Resolution No. 16-28 entitled, "A RESOLUTION AMENDING THE 2016 APPROPRIATIONS, AS SET FORTH, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE OHIO ADMINISTRATION CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES AS SET FORTH, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Burkholder informed the City will be holding a ground breaking ceremony at the site of the new fire station on Upper Lewisburg Salem Road on November 4, 2016 at noon.

Finance Director Keaton reported the Fund Balance as of October 31, 2016.

Motion by Duncan, second by Apgar to approve the October 31, 2016 Fund Balance. All yeas, motion carried.

Finance Director Keaton informed the City received an Addendum for extending our recycling contract with Rumpke. The proposal is for a one-year period beginning January 1, 2017 with a base rate for \$4,260 for 2017, which is a 2.9% increase. In addition, a fuel charge will be added to the base rate on a monthly basis.

Member Cantrell clarified that our residents pay nothing for recyclables they place out?

Finance Director Keaton stated that is correct, it is built into the refuse rates.

Member Cantrell stated residents do not pay individually but the City pays \$4,260 a month for the service.

Finance Director Keaton stated that is correct and the cost is included in our Refuse Fund.

Manager Burkholder stated he and Finance Director Keaton have discussed this and they recommend Council approve a renewal for a one-year contract with Rumpke. He informed one year will give Staff an opportunity to do some analysis on the overall operations of refuse collection and to research what is in the best interest of the City.

Member Cantrell asked if the Addendum is approved, it is only for one year?

Finance Director Keaton stated the Addendum is for one year only.

Motion by Cantrell, second by Henry to extend our recycling contract with Rumpke for a one-year period beginning January 1, 2017 and a base rate of \$4,260 plus a fuel charge to be added on a monthly basis. All yeas, motion carried.

Finance Director Keaton requested Council approval for Change Order #3 on the Maple Street Waterline Extension Project. She stated 376 feet of extra water service branch length for four extra water services at 101 Oak, 32 E. Westbrook, 211 E. McKinley and 208 Hay at a cost of \$24,816.00; Extra 8.5 cubic yards of intermediate asphalt at a cost of \$2,225.00 and extra 3.5 cubic yards of surface course asphalt at a cost of \$997.50; Three extra valve boxes abandoned at a cost of \$300.00; 126 square yards extra sub grade compaction for extra water service trenches at a cost of \$408.00; and 16' extra 6" DIP water main at \$89.00 per foot for a cost of \$1,424.00. She reported these changes present a net increase of \$30,296.50, changing the contract price from \$238,335.03 to \$268,631.53. The OPWC grant/loan for this project totals \$259,442, which includes engineering and an advertisement for bids. With this change Order, we are \$29,454.89 over the amount approved by OPWC. Finance Director Keaton informed this extra amount will be paid out of the Water Fund.

Manager Burkholder requested conditional approval from Council to re-examine various charges on various items to ensure they were justified. He stated this is a prime example of how we do not know what we are getting into underground until we are actually underground. He informed during the project we found out that as new lines were added to the homes, they ended up losing water because no one knew they were actually connected to the old water lines on Oak Street.

Motion by Apgar, second by Kirklin to approve Change Order #3 on the Maple Street Waterline Extension Project. All yeas, motion carried.

Finance Director Keaton reported we closed on our Fire Station Bonds today. She informed the Bond and Premium Funds were wired into our Star Ohio account and the process is now complete.

Public Service Director Williamson reported on the 269 Foothill Project and informed an Agreement has been signed with Lowes.

Public Service Director Williamson informed the Service Department recently assisted with installation of the second Veteran's Memorial at Gateway Park.

Public Service Director Williamson informed three additional trees have been planted through the Memorial Tree Program with four more to be done this year.

Public Service Director Williamson informed crews continue pavement sealing and curb repair on the Maple Street Water Line Replacement Project.

Public Service Director Williamson reported he attended a Miami Valley Regional Planning Commission (MVRPC) sponsored seminar on storm water management permit requirements. Due to recent census numbers, the City of Brookville as well as Clay and Perry Townships are

now required to participate in the MS4 program in order to be in compliance with Ohio EPA regulations. He stated this is new for our area and as he learns more he will keep Council up to date. This is a new measure to help keep our natural water ways and streams from getting polluted and is a part of the Clean Water Act.

Public Service Director Williamson informed curb painting continues by a student group from Sinclair Community College for Community Service hours.

Public Service Director Williamson reported leaf pickup season has begun.

Public Service Director Williamson stated the generator controller board is scheduled for installation on Wednesday Nov 2.

Public Service Director Williamson reported the October Refuse totals:

October Refuse	186 tons
October Wood chips	20 tons
October Yard Waste	11 tons

Member Letner asked if the Agreement with Lowe's will be turn key situation?

Public Service Director Williamson stated yes with the exception of a contractor to do the electric work and the Service Department will self install the insulation in the walls.

Member Duncan asked if we take our refuse to the transfer station?

Public Service Director Williamson stated yes.

Member Duncan asked if the problems the County is having with the landfill in Moraine trying to be shut down will have any effect on us?

Public Service Director Williamson stated no, it should not have any effect on us because we are contractually obligated with Montgomery County Solid Waste District to take our waste to the transfer station.

Mayor Seagraves informed the Police and Fire Chiefs have been excused for the remainder of the night.

Law Director Stephan had no Report.

Mayor Seagraves informed Ghostly Night Out was a huge success. He stated the event is a tremendous undertaking and hats off to all of the volunteers and the Police Department for all of their hard work.

Mayor Seagraves reported Trick or Treat went very well, and there no incidents per Chief Jerome.

Bruce Garber, of 434 Sycamore Street, stated the generator control panel for the emergency generator at the WWTP has been mentioned at the last several Council Meetings. He stated that if DP&L were to lose power and the WWTP does not have a back up generator then there would be sewage back up onto Wolf Creek. He asked if anyone understands this could be a critical situation and what is the plan for the future?

Public Service Director Williamson informed the generator is old and the board is no longer an item that could just be pulled from the shelf, it had to actually be built. He informed the City knows the criticality of the situation and he did have a short term plan in place for a rental generator if needed but there is also a back up generator at the plant that was capable of running limited equipment and power in order to keep the sewage process going.

Mr. Garber interrupted and asked if he should receive an answer in writing instead of a verbal response, he thought that was a rule.

Mr. Garber asked if the rental back up generator was on site?

Public Service Director Williamson stated it was not onsite but could have been quickly.

Mr. Garber asked if the new control board that had to be made had a spare made as well?

Public Service Director Williamson informed the board was upgraded to a more available control board.

Manager Burkholder informed since Mr. Garber has made prior comments about the additional three million dollars unnecessarily being spent at the Wastewater Treatment Plant, this is a exactly the kinds of things that have not been addressed in the past.

Mr. Garber stated it has and this happens all of the time.

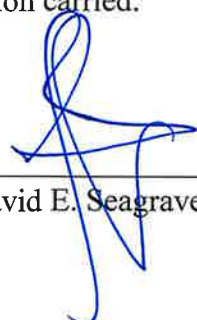
Manager Burkholder informed the City has applied for over a \$200,000 grant to replace the main influent wet well. He stated Mr. Garber has stated at past meetings that something like a new wet well is not needed. Manager Burkholder stated there are leaks in the wet well system and he is glad the City has applied for a grant to help replace it.

Mr. Garber stated that should be a maintenance item.

Manager Burkholder stated that without any reservation, there is a new philosophy at the WWTP and that is to be proactive and not reactive and we will not continue to just band-aid things together. He stated he will defend Public Service Director Williamson to the end because they discussed this issue thoroughly and he did have a contingency plan. Manager Burkholder stated the City has taken a very proactive approach to ensure the WWTP is consistent and in continual operation.

Mr. Garber stated it would only take a few hours for sewage to start flowing into Wolf Creek if power is lost and there is no generator back up. He does not think Public Service Director Williamson had a very good contingency plan and he does not understand why the control board could not have been repaired on an emergency basis.

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

  
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Meghan Wheeler, Clerk  
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David E. Seagraves, Mayor