

Brookville City Council  
Regular Meeting  
September 6, 2016

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on September 6, 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 and Public Service Director Williamson were present. Clerk Wheeler was absent.

Roll Call by Finance Director Keaton.

Motion by Duncan, second by Apgar to accept the Agenda with amendments. Amendments include adding Gabby Wakefield, the addition of Resolution No. 16-23 and moving Resolution No. 16-22 to Old Business. All yeas, motion carried.

Motion by Duncan, second by Apgar to approve the August 2, 2016 Regular Meeting Minutes and the August 16, 2016 Regular Meeting Minutes. All yeas, motion carried.

Gabby Wakefield, representing Brookville High School, requested Council approval to hold the Brookville High School Football Homecoming Parade on September 28, 2016 at 6:30 p.m.

Mayor Seagraves asked if the parade will be using the same route as in previous years?

Ms. Wakefield stated yes.

Motion by Duncan, second by Apgar to approve the Brookville High School Homecoming Parade on September 28, 2016 at 6:30 p.m. using the same route as in previous years. All yeas, motion carried.

Finance Director Keaton introduced Andrew Brossart, Managing Director and head of Ohio Public Finance with William Blair & Company, LLC. Mr. Brossart is the Underwriter for the bonds that we are issuing for the construction of a new Fire Station. Mr. Brossart was also our Underwriter for several years when we issued Notes for the Payless Project.

Mr. Brossart presented a Power Point Presentation. He explained current bond rates, the Market and the process we will be going through.

Finance Director Keaton reported Council has a copy of a signed Fiscal Officer's Certificate that she read aloud:

As Fiscal Officer of the City of Brookville, Ohio, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$6,300,000.00 ("the Bonds"), to be issued for the purpose of paying the costs of improving the City's public safety facilities by constructing a new fire station, acquiring related interests in real property and otherwise improving the same, together with all necessary and related appurtenances thereto (the "Improvement") that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is thirty (30) years, being my estimate of the life or period of usefulness of that Improvement.

Finance Director Keaton requested Council approval to adopt proposed Ordinance No. 2016-12, which provides for the issuance and sale of bonds in the maximum amount of \$6,300,000 for the purpose of paying the costs of improving the City's public safety facilities by constructing a new

Fire Station, acquiring related interests in real property and otherwise improving the same, together will all necessary and related appurtenances thereto. A maximum principal authorization preserves the flexibility to actually issue less. The reason for the emergency measure is to issue and sell the Bonds to enable the City to timely enter into contracts for the construction of the Improvement.

Motion by Cantrell, second by Apgar to read proposed Ordinance No. 2016-12. All yeas, motion carried.

Motion by Duncan, second by Kirklin to accept the first reading, dispense with the second and third reading and adopt proposed Ordinance No. 2016-12 entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,300,000 FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S PUBLIC SAFETY FACILITIES BY CONSTRUCTING A NEW FIRE STATION, ACQUIRING RELATED INTERESTS IN REAL PROPERTY AND OTHERWISE IMPROVING THE SAME, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Duncan, second by Kirklin to read proposed Resolution No. 16-22. All yeas, motion carried.

Member Duncan asked the reason for declaring Resolution No. 16-22 as an emergency.

Finance Director Keaton informed the reason for declaring Resolution No. 16-22 as an emergency is to allow the construction to begin in 2017 and thereby meet the immediate need of the Fire Department for a new fire station.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 16-22 entitled, "A RESOLUTION APPROVING AN AGREEMENT WITH BRUMBAUGH CONSTRUCTION, INC. TO BE EMPLOYED AS A CONSTRUCTION MANAGER AT RISK FOR THE CONSTRUCTION OF A NEW FIRE STATION, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

In Old Business,

Member Duncan stated he has been asked how a referendum would work on the tax ordinance. He stated if the 1% is supposed to take effect in January but goes on the ballot in May and fails, are people still responsible for the amount they would have owed from January to May?

Law Director Stephan advised the basic rule is an Ordinance is in effect until it is repealed.

Member Duncan asked how are residents and the City of Vandalia to know if it is repealed?

Law Director Stephan stated that Finance Director Keaton has prepared an informational sheet that was put in the upcoming Fall newsletter explaining the tax credit and the City of Vandalia has prepared new tax forms for Brookville residents. He informed we do not know results of a future election and can only plan for what we do know and that as of now, the tax credit reduction is in effect.

In New Business,

Motion by Duncan, second by Henry to read proposed Resolution No. 16-21. All yeas, motion carried.

Motion by Duncan, second by Cantrell to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 16-21 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 Duncan, second by Cantrell to read proposed Ordinance No. 2016-13. All yeas, motion carried.

Motion by Cantrell, second by Henry to accept the first reading, dispense with the second and third reading and adopt proposed Ordinance No. 2016-13 entitled, "AN ORDINANCE AMENDING SECTION 194.051 AND 194.091 OF THE CODIFIED ORDINANCES OF THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Cantrell, second by Apgar to accept the resignation of Amanda Zimmerlin from the Civil Service Commission. All yeas, motion carried.

Motion by Apgar, second by Cantrell to read proposed Resolution No. 16-23. All yeas, motion carried.

Motion by Duncan, second by Kirklin to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 16-23 entitled, "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE LOCAL GOVERNMENT INNOVATION FUND PROGRAM, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director Keaton advised the reason to declare Resolution No. 16-23 as an emergency is to meet application deadlines.

Manager Burkholder informed the Bond Ordinance and the Construction Manager at Risk Resolution before Council tonight are two pieces of legislation that will keep the financing and design process moving forward for the new firehouse.

Manager Burkholder informed the Transportation Improvement District Agreement has been signed. He stated Staff, TID representatives, and the engineering firm had a coordination meeting at City Hall to discuss the details of the Market Street Extension to Upper Lewisburg-Salem Road and a traffic study will be required.

Manager Burkholder informed the Parker Avenue Extension Project has been completed.

Manager Burkholder informed the cost to replace one of the small pumps in the influent wet well at the WWTP that broke and needs to be replaced will cost an estimated \$15,000.

Manager Burkholder stated demolition on Shelter #2 will begin this fall after the last rental in September.

Manager Burkholder described landscaping has been completed at the 269 Foothill Drive property and a meeting has been scheduled to discuss the final proposal from Lowe's to complete the inside.

Manager Burkholder stated the City Sign Code was presented to the Planning Commission.

Manager Burkholder informed the Maple Street Waterline Replacement Project is still underway. The 8-inch main water line has been installed and the installation of the service lines will begin this week. He informed there will be change orders for Council approval.

Manager Burkholder detailed the finalizing of the application for the Ohio Local Government Innovation Grant Fund. We will be working with the Montgomery County Economic Development, the Montgomery County Engineer's Office and both Clay and Perry Townships. He informed the grant is for \$50,000, with the City's water modeling study as the City's local match. The deadline for this grant is September 15, 2016.

Manager Burkholder informed he is in the process of scheduling a follow up meeting with MKSK, ODOT and Woolpert for the coordination on the Arlington Road Bridge Project.

Manager Burkholder stated the consulting engineer is nearing the completion of the citywide Water Modeling Study which is a necessity for future capital improvements and economic development.

Manager Burkholder informed he and Mayor Seagraves attended the ribbon cutting ceremony for the new Brookville Library and the opening of the Montgomery County Fair. They also attended the regional Chamber of Commerce dinner at the Aullwood Audobon Center where the state senators and state representatives provided a legislative update.

Manager Burkholder attended the TAC meeting for the Miami Valley Regional Planning Commission and the full Commission Board Meeting. He and Mayor Seagraves also attended the presentation by Kent Scarrett, Executive Director of the Ohio Municipal League, at Vandalia for an update on the operations of the League and detailed presentation on the current and proposed tax legislation and its impact on cities.

Manager Burkholder informed the Fall newsletter was sent to the printers this week and will be forthcoming to all residents. He commended the hard work of City Staff for their work put into the newsletter, especially Deputy Clerk, Kim Duncan.

Manager Burkholder informed he has hired ProStratus as the new information technology firm for all City Departments. They will monitor our systems and make both software and hardware recommendations as we move forward with our IT upgrades. He stated they will also advise us as we move forward with a new City phone system and this was a major step forward as we move to more efficient work flows.

Member Kirklin asked on the Transportation Improvement District Agreement it states a traffic study will be required, has that been scheduled yet?

Manager Burkholder informed the traffic study will be done by the TID. He informed before the exact site plan can be approved the traffic study will have to be done. The TID will gather the information and coordinate with the Montgomery County Engineer's Office. He stated the land use and zoning for the property and the property around the extension has been submitted to the County Engineer's Office for their consideration.

Member Kirklin asked if we have an estimated completion date for the citywide water modeling study and if not, can Council have a date by the next Meeting?

Manager Burkholder stated he will check with the engineer's office. He informed there has been a few challenges trying to obtain all the numbers needed, they have tried to gather all numbers from our system and the Dayton Water System.

Member Kirklin asked if we have provided all of our required information to the engineer?

Fire Chief Fletcher informed we have provided all the information that we had to the engineer. He stated bad information will present a bad water model so in some cases, they had to go out and verify information to ensure they weren't taking a chance with questionable data.

Member Cantrell asked for an update on the website.

Manager Burkholder informed we have met the most recent deadline and are currently waiting for our next set of revisions to review. He informed Perry Township is also looking into using Civic Plus to design their new website.

Finance Director Keaton presented the August 31, 2016 Fund Balance for Council approval.

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

Finance Director Keaton requested Council approve the Change Order on the 2016 Sidewalk Ramp Improvement Project. Zimmerman Concrete Construction LLC completed 78 ADA curb ramps this year. She informed we still have CDBG and City funds that were budgeted this year that we can spend. Zimmerman is interested in installing ten additional ramps in 2016. She stated this Change Order will increase the amount by \$8,120, which changes the contract price from \$64,960 to \$73,080, which will complete this project for 2016.

Motion by Letner, second by Kirklin to approve the Change Order on the 2016 Sidewalk Ramp Improvement Project as requested. All yeas, motion carried.

Finance Director Keaton requested Council approve the Change Order for the Parker Avenue Roadway Extension Project. She informed the storm sewer pipe was increased from 24" to 30" which increased the cost \$23,944. There was a 12" x 8" tap service by the City of Dayton at an increase of \$1,960, an additional 15' catch basin core for a storm tie-in at an increase of \$500, an additional driveway curb at an increase of \$1,410 and lastly an adjustment to quantities for a decrease of \$18,309. She stated these changes present a net increase of \$9,505, changing the contract price from \$149,915 to \$159,420. She reminded that we will be receiving funds from an Ohio 629 Grant totaling \$55,000 and from ODOT totaling \$45,000 for this project.

Motion by Kirklin, second by Henry to approve the Change Order on the Parker Avenue Roadway Extension Project as presented. All yeas, motion carried.

Finance Director Keaton requested Council approve the Change Order for the Maple Street Waterline Extension Project. She stated a saw cut extra depth to include 8"-10" of concrete base at an increase of \$7,200. The extra work locating the 12" water main on Westbrook Road to make the tap at an increase of \$1,232.43. These changes presented a net increase of \$8,432.43, changing the contract price from \$228,244 to \$236,676.43. She informed the OPWC grant/loan for this project totals \$259,442, which includes engineering and an advertisement for bids. With this Change Order, we are still below the amount approved by OPWC.

Motion by Apgar, second by Kirklin to approve the Change Order for the Maple Street Waterline Extension Project as presented. All yeas, motion carried.

Finance Director Keaton requested Council approval to pay the \$55.00 registration fee for those on Council, Planning Commission, BZA and Staff who are interested in attending the 30th Annual Miami Valley Planning and Zoning Workshop that will be held on Friday, December 2, 2016.

Motion by Cantrell, second by Kirklin to approve the payment for the \$55.00 registration fee for those on Council, Planning Commission, BZA and Staff who are interested in attending the 30th Annual Miami Valley Planning and Zoning Workshop that will be held on Friday, December 2, 2016. All yeas, motion carried.

Public Service Director Williamson reported the yard at 269 Foothill has been graded, seeded and strawed and we are currently evaluating a Lowe's Proposal.

Public Service Director Williamson reported the Service Department continues with mowing and ground maintenance. They recently had a lot of tree clean-up to do after the August 27 storm.

Public Service Director Williamson informed the Main has been placed, and is currently being pressure tested prior to purity tests on the Maple Street Waterline Replacement Project. He informed taps and service lines are to begin soon.

Public Service Director Williamson reported the Lead/Copper test results were returned and 16 of 20 samples were below detectable limits for Lead, four samples had lead detected below the action level of 15 micrograms per liter. Three of the twenty samples were below detectable limits for Copper and the other 17 samples had Copper levels significantly below the 1.3 milligrams per liter action level. He stated all of this means there is no further action required on our part.

Public Service Director Williamson informed he has been assisting with the Collective Brands fire pump tests.

Public Service Director Williamson informed for the month of August, 218 tons of refuse, 14 tons of yard waste and 55 tons of wood chips were hauled away.

Member Apgar stated the Service Department did a fabulous job cleaning up around town after the August storm.

Fire Chief Fletcher presented the August 2016 Operations Report.

Fire Chief Fletcher informed on-duty firefighters quickly stopped further damage at the scene of a garage fire on Ostend Drive. He stated the most common fires in our protection area includes discarded smoking materials and unattended cooking. This fire was likely caused when smoking materials were discarded into the residential refuse. This is a prime example why it is so beneficial to have on duty firefighters staying in quarters, ready to go.

Fire Chief Fletcher reported crews recently had the opportunity to participate in a recent training simulation on water rescues.

Fire Chief Fletcher stated the Fire Department will be participating with the Police Department at a September 11th Memorial at the school.

Fire Chief Fletcher reminded the upcoming Fire Prevention Parade will be on Wednesday, October 5 at 6:00 p.m. with a rain date of Thursday, October 6. He informed line-up/registration will begin at 5:30 p.m. at Fire Station 77 on Albert Road. The parade will travel Cusick Drive to Market Street, then Western Avenue to Blue Pride Drive. He informed there will be hotdogs, display of apparatus and a tour of the Fire Safety House.

Police Chief Jerome reported the Brookville Police Department handled 438 Reportable Incidents year-to-date, compared to 408 during this same time last year. Police Chief Jerome reported Citations are down a total of 33 Citations year-to-date, for a total of 328 Citations issued year-to-date. There were 100 traffic stops for August compared to 139 during August 2015.

Police Chief Jerome informed the school is trying to do something different this year and this year asked about doing the 9/11 Memorial Ceremony before the high school football game. He informed the ceremony will begin at 6:00 p.m. prior to the football game. He stated the Police Department is not planning the event but will be in attendance.

Police Chief Jerome read a recent press release from Montgomery County Prosecuting Attorney, Mat Heck, Jr. dated September 2, 2016 on a New Lebanon man sentenced for child rapes.

Law Director Stephan gave an update on the two Charter Amendments that Council had taken action on at the last Council Meeting. He stated those Amendments were presented to the Montgomery County Board of Elections and have been placed on the November 8, 2016 ballot.

Mayor Seagraves thanked the Service Department for the great job cleaning up after the August storm. He stated it is a reminder that with the Ash Tree situation, we cannot forget about our parks when working on the upcoming 2017 budget. Our parks are a huge asset and are enjoyed by thousands.

Mayor Seagraves informed the recent Library grand opening and ribbon cutting ceremony was a success and is very proud of our beautiful new library. He informed he has had a lot of questions on the old facility and wanted to remind everyone the old building is not owned by the City, it is owned by the Montgomery County Library and will go up for sale.

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

Bruce Garber, 434 Sycamore Street, stated he was present to right a wrong that was committed at the last Council Meeting. Mr. Garber stated that former City Manager, John Wright was accused of signing off on a clock in his honor instead of looking out for the citizens of this town. Mr. Garber informed that a clock was to be a part of the Market Street plans but Mr. Wright made a recommendation that the clock not be done because there wasn't enough money in the budget to do it and then when Mr. Wright announced his retirement Council tried to come up with an idea to thank him for his service. Mr. Garber stated that Finance Director Keaton suggested we buy and install the clock with a plaque on it and because it was to be a surprise Finance Director Keaton had to go to the State Auditor's office for approval to write a Purchase Order and purchase something without the City Manager's approval and that is what was done. She had received special permission from the Auditor's Office and then once the surprise was revealed, Mr. Wright had to sign the Purchase Order.

Mr. Garber stated the Brookville Community Theatre maintenance and upgrades have taken prominence over other projects throughout town. He stated if you look at the Board of Directors for the Community Theatre, you might see why their upgrades are being done. He isn't sure how all of the work at the Theatre has been done and if the City Manager is doing what Council has asked or just trying to prove something.

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



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Sonja M. Keaton

Sonja Keaton, Finance Director



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David E. Seagraves

David E. Seagraves, Mayor