

BROOKVILLE CITY COUNCIL
REGULAR MEETING
April 2, 2013

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on April 2, 2013 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Howard and Letner; Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan, Assistant Manager/Finance Director/Clerk Keaton and Manager Wright were present.

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

Motion by Apgar, second by Cantrell to accept the March 19, 2013 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Wright reported the Annual Park Cleanup Day held on March 23, 2013 went well, with a record number of participants. Manager Wright thanked everyone who participated and stated the Cleanup Day saves our workers two days of labor.

Assistant Manager/Finance Director Keaton commented there were approximately 150 volunteers in attendance.

Manager Wright reported we applied for and received a Keep Montgomery County Beautiful Grant on behalf of the Brookville Garden Club. The \$300 grant will be used to purchase flowers for the planters on Market Street. Manager Wright expressed appreciation to the Brookville Garden Club for planting the flowers on Market Street.

Manager Wright reported the City of Brookville applied for an ED/GE Grant for local manufacturer Flow Dry Technology, Inc. to assist them with the cost of constructing a clean room and to resurface and expand their parking lot. Flow Dry estimates the construction of a clean room will create 18 new jobs by the year 2016. The ED/GE committee will tour the facility and make a decision on grant recipients in early May.

Manager Wright reported we applied for an interest-free OPWC Loan in 2012 to make needed upgrades to our Wastewater Treatment Plant. We were initially denied this funding; however, we recently received word that we will receive funding for approximately \$2,000,000 of the money we applied for. There is also a chance that more funds will be available, possibly up to the full amount of \$2,090,000 that we applied for, if there is unclaimed money or money turned back in from the other grant recipients.

Fire Chief Fletcher reported the Fire Department responded to 110 EMS and 17 Fire Incidents in the month of March, which are 22 more incidents than handled in March of 2012. This is a 4% increase over the average of the past three years. Fire Chief Fletcher reported there were zero dollar loss fires during the month of March.

Fire Chief Fletcher reported the Fire Department hosted a "Think Hot Program" put on by Dayton Power & Light Company, which educates our Public Safety and Service Department personnel on the dangers of electricity. Fire Chief Fletcher advised this is an area of high concern due to the dangers of working with electricity and he is pleased that it was well attended.

Fire Chief Fletcher reported 27 persons completed their CERT training this past weekend, which brings the total number of Brookville CERT volunteers to 125. The Brookville CERT team is the premier CERT in our region.

Fire Chief Fletcher reported all of our EMS personnel passed their annual regional protocol testing.

Member Howard asked Fire Chief Fletcher to comment on how the staffing will change as a result of the mandated Federal Health Care Reform.

Fire Chief Fletcher advised the Fire Department has made some restructuring changes that will go into effect May 1, 2013 in anticipation of the Health Care Reform. Fire Chief Fletcher stated he estimates that it would take an extra \$90,000 between May and December 2013 to provide insurance to every person in his department that works an average of 30 hours or more. This is using the City average of the insurance investment in full time employees for 2012.

Member Howard asked what is the average outlay for Standby pay?

Fire Chief Fletcher responded the average Standby pay is \$1,000 annually per employee, and there is an average of 32 employees working Standby. This equates to approximately \$30,000 annually in payroll expense for Standby pay.

Member Howard inquired about the impact of training costs as a result of losing personnel?

Fire Chief Fletcher stated he does not anticipate a loss of personnel, but we will have to increase our staff to over 40 part-time employees. Fire Chief Fletcher advised he is looking at innovative software to train personnel, such as on-line learning. He does not have a training cost estimate for additional staffing at this time.

Member Howard inquired if Fire Chief Fletcher had a gauge for how many employees might choose to go to other fire departments because they want the insurance benefits?

Fire Chief Fletcher stated he does not believe any other fire department can afford to offer the insurance benefits. All of the fire departments he knows are dropping their part-time employees' hours to stay below the 30 hour threshold. Most fire employees will be forced to work two or more part-time positions to total the same number of hours.

Fire Chief Fletcher stated we are introducing a lower rate of pay for the hours of the day when the part-time employees might sleep if there is no Fire/EMS activity, so that we can stay within the budgeted hours. Fire Chief Fletcher stated he is also reducing the Fire Department Administrative Assistant hours through the week in order to stay within budget.

Member Duncan inquired about purchasing bunker gear for the employees we are sharing with other departments?

Fire Chief Fletcher stated the northern communities have agreed that Fire and EMS personnel can wear their gear from other departments on their scheduled shifts. If gear is damaged in any way, the jurisdiction that the employee is working for will replace or repair the gear. Fire Chief Fletcher advised since fire gear has a 10-year life span, the communities have also agreed to pull unused equipment from each other if needed to fit new employees, rather than purchase new equipment.

Manager Wright asked if it would be safe to say that training costs for the new Fire Department employees will not be catastrophic because many of them work for several jurisdictions and are already trained.

Fire Chief Fletcher agreed and stated we are saving money by hiring experienced people and taking advantage of hiring qualified, experienced employees who need to pick up extra hours because their hours have been cut in other locations. This also allows us to waive new employee drug screenings and physicals because the employees are already screened and deemed fit by their other employers. Fire Chief Fletcher stated he has already met with Clay Township Trustees and plans to meet with Perry Township Trustees about the need for requesting additional fire levy money due to the budget strain caused by these staffing changes resulting from the mandated Federal Health Care Reform. Fire Chief Fletcher stated we have no profit margin to cut into as a public entity. The hope is that there may be some exemptions for public entities in the future.

Member Duncan stated for the record this is a result of Obama Care, and it affects not only public employers but private employers as well.

Fire Chief Fletcher stated that is correct. Any employee that averages 30 hours or more per week is now considered full-time and has to be provided with health insurance, or there is a penalty.

Police Chief Jerome stated the media reports an estimated 3.2 million jobs being cut by next year by employers who are not willing to comply with the Federal Health Care Reform.

Fire Chief Fletcher stated we will be hiring more people to cover the same amount of hours, but the facts will probably be twisted to look like many more jobs have been created.

Mayor Seagraves stated his experience in the last few months that none of the communities in the county are looking to hire employees to work more than 30 hours.

Fire Chief Fletcher commented the only city he is aware of that is not changing their staffing is the City of Moraine, who plan to just pay the penalty. The risk we run with doing the same is that we may make ourselves ineligible for grants and funding assistance. The penalty is also expected to increase significantly and that is just not a position we want to put ourselves in.

Member Garber stated he wants to bring up the average cost for us to provide health insurance during discussion of proposed Resolution No. 13-07.

Fire Chief Fletcher stated he estimates the annual cost to provide health insurance in future years to all of his part-time employees that work 30 hours or more would be approximately \$250,000 or more.

Mayor Seagraves recessed the Regular Meeting of Council at 8:00 p.m. for a Public Hearing, which is a combined meeting with Council and Planning Commission on proposed Ordinance No. 2013-05, which is to zone annexed Lot 2627 and proposed Ordinance No. 2013-06, which is to re-zone Lot 2619.

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

Assistant Manager/Finance Director Keaton announced the Public Hearing tonight is on proposed Ordinance No. 2013-05 that considers zoning Lot 2627 of the revised and consecutive numbers of lots of the City of Brookville, Ohio to the classification of Highway Service District. A Legal Notice was published in the March 20 and March 27 editions of the Brookville Star and it was also posted on the City's website advising of this Public Hearing. The City Office did not receive any phone calls, nor did anyone stop in the City Office to review the proposed Ordinance. Assistant Manager/Finance Director Keaton turned the Hearing over to Law Director Stephan for a staff report.

Law Director Stephan stated proposed Ordinance No. 2013-05 addresses proposed zoning for Lot 2627, which is located on the southern side of Nutrition Way and Arlington Road. This area was annexed to Brookville last year and the lot is currently owned by the City of Brookville. The next step in the process is to adopt a zoning classification for the lot. Law Director Stephan advised City Staff has reviewed this zoning and recommended to Planning Commission that the lot be zoned Highway Service. Planning Commission recommended that the proposed Ordinance establishing Highway Service zoning for the property be submitted to Council for the Public Hearing. Law Director Stephan stated the result of this proposed Ordinance and the second proposed Ordinance this evening will be to create consistent Highway Service Zoning on both sides of Arlington Road from I-70 to the city boundary.

Assistant Manager/Finance Director Keaton opened the floor for public comment and stated anyone who would like to speak or otherwise participate in the Public Hearing should stand and be sworn in. There was no one present to speak at the Public Hearing.

Assistant Manager/Finance Director Keaton inquired whether there were any comments or questions from Council. There were none.

Assistant Manager/Finance Director Keaton announced the second Public Hearing tonight is on proposed Ordinance No. 2013-06 that considers the rezoning of Lot 2619 of the revised and consecutive numbers of lots of the City of Brookville, Ohio from its present zoning classification of R-1B, Urban Residential District, to the new classification of Highway Service District. A Legal Notice was published in the March 20 and March 27 editions of the Brookville Star and it was also posted on the City's website advising of this Public Hearing. The City Office did not receive any phone calls, nor did anyone stop in the City Office to review the proposed Ordinance. Assistant Manager/Finance Director Keaton turned the Hearing over to Law Director Stephan for a staff report.

Law Director Stephan reported this proposed Ordinance is for the rezoning of Lot 2619 from its current zoning of R-1B, Urban Residential District, to Highway Service. This lot is on the north side of Nutrition Way on the corner of Nutrition Way and Arlington Road and is owned by the City of Brookville. Law Director Stephan stated with the construction of Nutrition Way and the development of the NorthBrook Industrial Park we are now in a position to potentially market this lot for commercial development. City Staff has reviewed this zoning and recommended to Planning Commission that the lot be zoned Highway Service. Planning Commission recommended that the proposed Ordinance establishing Highway Service zoning for the property be submitted to Council for the Public Hearing. This will lead to a consistent zoning of Highway Service on both sides of Arlington Road from I-70 to the far north city boundary.

Assistant Manager/Finance Director Keaton opened the floor for public comment and stated anyone who would like to speak or otherwise participate in the Public Hearing should stand and be sworn in. There was no one present to speak at the Public Hearing.

Assistant Manager/Finance Director Keaton inquired whether there were any comments or questions from Council. There were none.

Motion by Duncan, second by Apgar to close the Public Hearings. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Member Garber inquired about the protocol for the electric service after a house fire?

Fire Chief Fletcher advised he and Lieutenant Hensley are the only two on the Brookville Fire Department that are certified to pull an electric meter. They do not pull a meter unless the electricity is contributing to the house fire or preventing them from suppressing a fire.

Police Chief Jerome commented that City Manager Wright and Assistant Manager/Finance Director Keaton have been on top of the Federal Health Care Reform and its effect on the City from the start. Police Chief Jerome advised the Police Department will need to add one or two part-timers as a result of this. Police Chief Jerome stated his part-timers save him a lot of money by keeping the costs and overtime low. Police Chief Jerome reported the Police Department is finding alternate ways to train and using other cost saving measures to help absorb some of the costs that will be incurred by adding more part-time employees. Police Chief Jerome advised he is adding some cost safeguards, such as requiring new hires to commit to a one-year of service with the Brookville Police Department.

Police Chief Jerome reported the Brookville Police Department handled 154 Reportable Incidents year-to-date, compared to 175 at this same time last year. Citations are down 53 from this same time last year for a total of 121 Citations year-to-date.

Police Chief Jerome reported the McGruff Crime Dog was at the Optimist Easter Egg Hunt and upcoming events for the Brookville Police Department are the annual Optimists Awards Banquet, Breakfast with the Chief, the Community Pre-school Trike-A-Thon and Prom Promise. Police Chief Jerome advised the Police Department recently met with local businesses and educated them on alcohol sales to minors.

Member Garber inquired whether the Police Department has made any traffic stops for texting while driving?

Police Chief Jerome stated the Police Department has not made any traffic stops or issued any citations for texting while driving.

Law Director Stephan had no report.

Assistant Manager/Finance Director Keaton presented the March 31, 2013 Fund Balance and the 1st Quarter Detail Trial Balance Report for Council review and approval.

Motion by Garber, second by Howard to approve the March 31, 2013 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval to adopt proposed Resolution No. 13-07, which replaces our current part-time pay Resolution.

Motion by Cantrell, second by Apgar to read proposed Resolution No. 13-07. All yeas, motion carried.

Assistant Manager/Finance Director Keaton reported City staff has been diligently attending a number of seminars and one-on-one meetings with our health insurance broker on healthcare reform. The largest part of federal healthcare reform, the Pay or Play provisions that require individuals to obtain health insurance and employers to provide insurance to full-time employees or face tax penalties, will take effect on January 1, 2014. Prior to that date, employers must determine what aspects of the law apply to them and prepare accordingly.

Assistant Manager/Finance Director Keaton stated the City had to first determine if the City was a small employer or large employer. For the law to apply, an employer must employ 50 or more full-time employees and full-time equivalent employees. To determine the number of full-time employees, we had to determine the number of employees who work on average 30 or more hours per week. In addition, the total number of hours worked by employees working less than an average of 30 hours per week are added together to determine "full-time" equivalent employees. When this was all calculated, the City is considered a large employer and is subject to the Employer Mandate of the Patient Protection and Affordable Care Act, or PPACA. A large employer must provide adequate, affordable health care coverage to its full-time employees and their dependents (children to age 26). The PPACA defines part-time employees as those that work, on average, less than 30 hours per week. For these employees, the employer does not have any potential tax penalties if health coverage is not offered.

Assistant Manager/Finance Director Keaton stated with the mandated federal healthcare reform, we are changing how we staff our Brookville Fire Department, and how those employees would be paid, to eliminate the penalties that will be assessed if we continue to work part-time employees an average 30 hours or more and not offer them health insurance. Our measurement period will begin on May 1, 2013, which gives us a one-year period of time to track employee's hours, thus the reason for proposed Resolution No. 13-07 to take effect on May 2, 2013, which is also the first day of a new pay period. Adjusting the way we staff our Brookville Fire Department and the change in the part-time pay Resolution is less costly to the City than providing health insurance to our part-time employees that average 30 hours or more weekly.

Member Garber asked Assistant Manager/Finance Director Keaton if she could estimate the health insurance percentage increase that we may see in 2013?

Assistant Manager/Finance Director Keaton stated it is undetermined at this time, but reports are showing a pretty substantial increase with some of the increase attributed to federal mandates put on health insurance carriers by health care reform and others will see an increase or decrease, depending on the age of the employees. Employers with young employees, those 30 years of age and younger, are now estimated to have higher percentage increases versus employers with an older group.

Member Apgar stated the media is estimating an 80% increase in health insurance costs in the State of Ohio.

Member Howard asked what is our full-time equivalent number of employees once the part-time hours were averaged?

Assistant Manager/Finance Director Keaton stated we have approximately 60 full-time equivalent employees.

Assistant Manager/Finance Director Keaton advised there are new mandates being handed down daily. Our insurance broker ran a cost comparison for us for policy year starting in 2014 and through those comparison's, we were informed that the City may be better off not providing health insurance for our full-time employees and paying them a stipend to purchase health insurance elsewhere.

Assistant Manager/Finance Director Keaton stated proposed Resolution No. 13-07 has no pay rate changes in Section I from our current part-time pay Resolution. The pay rates in Section II also remain the same. The only change in Section II is to specify that the rates in this section apply to the City of Brookville Fire Department employees staffing a fire station Monday through Sunday from 0600-1800 hours. In Section III, Standby Pay was removed and pay rates were established for City of Brookville Fire Department employees staffing a fire station Monday through Sunday from 1800-0600 hours, with the hourly rate reverting to their authorized rate of pay identified in Section II during the time period those employees are participating in approved activities, such as incidents and training. Section IV did not have any change from our current part-time pay Resolution. Section V establishes a quarterly stipend of \$250 for City of Brookville Fire Department employees participating in voluntary activities such as details, meetings and community activities if eligible to receive. The Supervisory stipend, Officer Pay, was amended to be paid on a quarterly basis versus on an annual basis.

Mayor Seagraves called for the vote on adopting proposed Resolution No. 13-07.

Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 13-07 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR PART-TIME, SEASONAL AND/OR TEMPORARY CITY EMPLOYEES, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant Manager/Finance Director Keaton stated she was recently notified by the Ohio Division of Liquor Control that all permits to sell alcoholic beverages in the City of Brookville will expire on June 1, 2013. In order to maintain permit privileges, every permit holder must file a renewal application. Ohio Revised Code Section 4303.27(B) provides Council with the right to object to the renewal of a permit and to request a hearing. Assistant Manager/Finance Director Keaton stated she met with Police Chief Jerome on the renewal of the liquor permits in Brookville and he has no concerns or objections. Assistant Manager/Finance Director Keaton recommended that Council waive the right to object to the renewal of the yearly permits to sell alcoholic beverages in the City that expire on June 1, 2013.

Motion by Duncan, second by Garber to waive the right to object to the renewal of the yearly permits to sell alcoholic beverages in the City that expire on June 1, 2013. All yeas, motion carried.

Assistant Manager/Finance Director Keaton reported the City recently submitted three Montgomery County Solid Waste Recycling Incentive Grants. One grant is to purchase 500 of the 65 gallon recycling toters. Total cost of the project is \$24,125 and the City is requesting \$15,681 in grant funds, with the City contributing \$8,444, or 35%. The other grant application is to purchase 200 six-foot yellow colored recycled plastic solid wheelstops to be installed at Golden Gate Park. Total cost of the project is \$12,649 and the City is requesting \$8,222 in grant funds, with the City contributing \$4,427, or 35%. The third grant is to purchase a 1,180 gallon above ground used oil storage tank to be installed at the City garage. Total cost of the project is \$9,473 and the City is requesting \$5,684 in grant funds, with the City contributing \$3,789, or 40%. Assistant Manager/Finance Director Keaton informed Council that we should know by mid-May if any or all of these grants will be awarded.

Assistant Manager/Finance Director Keaton reminded everyone that the City of Vandalia will once again have representatives at our City Building to assist our residents with the preparation of their local income tax returns. The representatives will be here this Friday from 8:00 a.m. until 4:30 p.m. and again on Saturday from 8:00 a.m. until noon. This service is free to our residents.

Assistant Manager/Finance Director Keaton reminded Council that the deadline to file their Financial Disclosure Statement is May 15, 2013. This statement can be submitted online.

Assistant Manager/Finance Director Keaton reported Treva Price, who sits on the Income Tax Board of Appeals, is resigning for health reasons. Assistant Manager/Finance Director Keaton requested Council allow her to advertise for the open board position.

The consensus is to allow Assistant Manager/Finance Director Keaton to advertise the open board position.

Mayor Seagraves thanked City staff and volunteers for a successful Park Cleanup.

Mayor Seagraves reported Easter meals were distributed to 47 needy families and thanked everyone for their assistance with this project.

Motion by Apgar, second by Howard to read proposed Resolution No. 13-06. All yeas, motion carried.

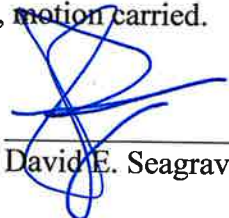
Motion by Duncan, second by Howard to accept the first reading, dispense with the second and third reading and adopt Resolution No. 13-06 entitled "A RESOLUTION OPPOSING THE PASSAGE OF HB 5 IN THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

There was no Old Business.

There was no New Business.

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


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor