

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
October 4, 2011

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on October 4, 2011 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Letner and Ullery; Fire Chief Nickel, Police Chief Preston, Manager Wright, Law Director Stephan and Assistant Manager/Finance Director/Clerk Keaton were present.

Motion by Duncan, second by Cantrell to accept the Agenda with an addition. All yeas, motion carried.

Motion by Cantrell, second by Apgar to accept the September 20, 2011 Regular Meeting Minutes as presented. All yeas, motion carried.

Steve Woolf, resident of Clay Township, introduced himself and distributed a resume packet announcing he is running for Clay Township Trustee and giving his qualifications. Mr. Woolf stated he is a 47 year resident of Clay Township with 27 years of firefighting experience and said he hopes to be elected and have the opportunity to promote cooperation between the City of Brookville and Clay Township to provide residents of both with the best possible fire service and fair distribution of fire levy monies.

Member Garber inquired whether Mr. Woolf would like to see a larger Brookville Fire District?

Mr. Woolf replied that Miami Township and Miamisburg Fire Districts recently merged and that is an option he would like to explore to benefit all taxpayers.

Sharon Griffitts, of 521 Salem Street, stated she spoke with Chief Preston yesterday regarding an issue and does not feel it was resolved, so she is here tonight to speak with Council. Ms. Griffitts stated that in August she began to have problems with her vehicle and it quit running. Ms. Griffitts stated she is disabled and on a limited income. She was a nurse for 44 years and worked very hard, raising two children by herself. She had to save for a few months in order to get enough money to get her vehicle repaired. Ms. Griffitts said last month some kids let the air out of one of her tires and on September 5 she was ticketed by Officer Adam Lyons. She paid the \$5 ticket and filled the tire with air. Ms. Griffitts stated when she paid the ticket at the Brookville Police Department she informed Officer Swigart and the police secretary that her vehicle was scheduled to be towed to Hershels Garage on October 3. Mrs. Griffitts had her brother put air in the tire for her a second time last Friday but it did not stay inflated. Ms. Griffitts stated that on October 3 her neighbor told her Officer Adam Lyons was parked a block away from her house for about 45 minutes. Her neighbor watched Officer Adam Lyons approach her door, where he appeared to stand and listen for noise coming from inside the house but he never knocked on the door. Mrs. Griffitts said Officer Lyons could have knocked and advised her he had a problem with her vehicle and asked her what her intentions were but he did not. Ms. Griffitts stated Officer Lyons then walked back to his patrol car which was still parked a block away, and soon a tow truck appeared in front of her home and proceeded to tow her vehicle. Ms. Griffitts stated her grandson went outside and Officer Lyons was not talkable, so her daughter went outside and Officer Lyons repeatedly told her she could go to jail. Ms. Griffitts advised she then went outside to talk to Officer Lyons and asked him if there was some way they could stop this tow. Mrs. Griffitts stated she told Officer Lyons that she would call Hershels and they would come today to get it. Officer Lyons told her no and that she could go to jail. Ms. Griffitts stated she spoke with Police Chief Preston about this yesterday and he advised her he will have Sergeant Doug Jerome look into the situation.

Police Chief Preston said she should have told someone in the Police Department what her intentions were with the vehicle when she paid the ticket. Ms. Griffitts stated that she did tell Officer Swigart and the police secretary what her intentions were with the vehicle. Ms. Griffitts stated that the car is still being held by the tow company and the money she has saved to pay for repairs will have to go for the tow and storage bill. She will probably lose the vehicle altogether. Mrs. Griffitts stated she is here tonight to warn other elderly citizens who live where there is no off street parking that they too could lose their vehicles.

Katie Patrick, also of 521 Salem, stated that she intends to file a formal report against Officer Adam Lyons. Ms. Patrick stated her mother, Sharon Griffitts, was a nurse for 44 years and her uncle was a Preble County Sheriff's Deputy for 25 years. Ms. Patrick stated she never once, on a ride-along with her uncle, saw him treat a disabled woman the way that Officer Lyons treated her mother. Ms. Patrick stated she cannot even call Officer Lyons an Officer. Ms. Patrick stated the reason she became a nurse was because of the way she saw her mother treat her patients. Ms. Patrick stated Adam Lyons and everyone else in the room could have been one of her mother's patients. Ms. Patrick stated that Adam Lyons may have become an officer because of the way someone influenced him. Ms. Patrick said she works in industrial medicine and takes care of police officers, paramedics and firefighters who get injured because of their influence over her. Ms. Patrick stated she hopes that Adam Lyons never comes into her place of employment as an injured officer as she does not want to have to treat him because of the way he treated her mother. Ms. Patrick said Chief Preston told her mother she could go to Englewood towing to check and see if the tires were chalked as Adam Lyons said they were. Her mother cannot go to Englewood Towing as she has no way to get there; the only vehicle she owns was towed. Ms. Patrick said Adam Lyons had the car towed before she could check the tires for chalk. He threatened to take her to jail for wanting to check the tires. Ms. Patrick asked Chief Preston if that is how he teaches all of his officers to treat Brookville residents.

Police Chief Preston asked Ms. Patrick if she is here tonight to address Council?

Ms. Patrick stated she was told she had to go through Chief Preston. Ms. Patrick asked everyone to forgive her as she has never had her mother disrespected by anyone and to hear her disrespected by a police officer is deplorable. Ms. Patrick apologized to Council for being so upset and again asked them to forgive her. Ms. Patrick stated it was a horrible feeling not to be able to help her mother. Ms. Patrick stated she would bet her salary that if Council would take the time to poll the children coming up behind her, including their grandchildren and great-grandchildren, they would find that the children do not respect our officers and that they don't care what our officers say because of the way that they treat them. Ms. Patrick thanked Council for their time and thanked Mayor Seagraves for taking the time to return her call.

Mayor Seagraves inquired whether Police Chief Preston wanted to respond?

Police Chief Preston stated that he did meet with Ms. Griffitts yesterday and he advised her that this incident will be investigated by Sergeant Doug Jerome, who will not be back in the office until Thursday.

Ms. Patrick stated the definition of abandonment does not apply because the vehicle was properly licensed.

Mayor Seagraves inquired whether Ms. Griffitts could get her vehicle released?

Chief Preston stated she can get her vehicle released.

Ms. Patrick commented the tow bill was already \$240 and charges are accruing at \$40 per day.

Gary Horstman, representing the Brookville Historical Society, thanked Brookville Park Board for inviting them to have a booth at the car show last weekend. The booth was a success and the Historical Society appreciated the opportunity to participate.

Manager Wright commented that the 2<sup>nd</sup> Annual Wolf Creek Run Car Show had a great turnout despite the morning's wet weather. There were 99 cars on display.

Mayor Seagraves stated he felt the car show participants were very satisfied and recognized Park Board and City staff for an organized and well run event.

Member Apgar commented he was surprised at how many cars showed up with the wet weather and thought the event went real well.

Member Cantrell stated the park looked great.

Manager Wright reported the Nutrition Way project is moving along well; the underground piping is complete and the right of way permit has been received from the Montgomery County Engineer's Office.

Manager Wright advised the traffic signal at the intersection of Westbrook Road and June Place was removed today and the poles will be removed soon.

Manager Wright reported we are finishing up the striping of the Municipal lot and our annual repaving project is complete. The contractor did an excellent job.

Manager Wright reported our annual leaf pick-up program will start on October 17 and leaves will be picked up daily as needed.

Manager Wright presented a request from Brookville High School to hold their annual Homecoming Parade on October 5, 2011 at 6:30 p.m. with the line-up at 5:45 p.m. on Carr Drive. Manager Wright reported the route will be from Carr Drive to Cusick Avenue to Market Street to Western Avenue to the High School on Blue Pride Drive.

Motion by Ullery, second by Apgar to allow Brookville High School to hold their annual Homecoming Parade on October 5, 2011 at 6:30 p.m. with the route beginning on Carr Drive and continuing to Cusick Avenue to Market Street to Western Avenue to Brookville High School on Blue Pride Drive. All yeas, motion carried.

Manager Wright reminded everyone of the fire prevention activities and Annual Fire Prevention Parade this weekend.

Fire Chief Nickel advised the parade starts at 2:00 p.m. and chicken dinners will be sold beginning at noon. The garage sales will once again be held on Market Street and Jim Bucher will be the Master of Ceremonies.

Member Cantrell commented the contractor did a nice job on the repaving of Arlington Road, and was in and out without any disruption to her business.

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. 2011-06, which establishes certain regulations for maintenance of detention basins, retention ponds and other drainage improvements in the City of Brookville, Ohio.

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

Clerk Keaton announced a Legal Notice was published in the September 21 edition of the Brookville Star and it was also posted on the City's website since September 9 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. There was one request for a copy of the proposed Ordinance.

Law Director Stephan stated the proposed Ordinance is designed to set certain standards for maintenance of detention basins, retention ponds and other drainage improvements in the City of Brookville. Law Director Stephan advised typically when a subdivision is established, our construction standards require that a detention basin, retention pond or other drainage improvement be established to provide for adequate disposal of surface and subsurface water run-off. Maintenance of these drainage improvements is necessary to ensure that the drainage improvement continues to provide disposal of subsurface and surface water run-off. Law Director Stephan advised we have had issues with some ponds and detention basins not being maintained and we need to establish specific standards for their maintenance so that our Zoning Officer has some tools to work with to ensure the ponds are maintained. Law Director Stephan stated the specific standards set forth in Section 1 of the proposed Ordinance are that the owner of any lot which contains a detention basin, retention pond or other drainage improvement shall maintain that drainage improvement to provide for adequate disposal of subsurface and surface water disposal. Maintenance of the detention basin, retention pond or other drainage improvement shall include the following items: erosion control of the slopes of the detention basin or retention pond to maintain the original slope design; removal of any trash or debris from the detention basin or retention pond; management of vegetation and mowing of grass adjacent to detention basin or retention

pond; inspection and cleaning of any inlet or outlet pipes or concrete channel; removal of algae or other vegetation growth from the surface of the water; removal of sedimentation in the detention basin or retention pond or other drainage improvement if it accumulates to a level that is greater than 25% of the original design depth; maintenance of any mechanical pumps, fountains or other mechanical equipment that were included in the original design of the detention basin, retention pond or other drainage improvement. Law Director Stephan stated the proposed Ordinance provides if we have a situation where any detention basin, retention pond, or other drainage improvement is not properly maintained, the Property Maintenance Officer would send notice to the property owner or the homeowner's association to correct the problem. If the problem is not corrected, the City would be able to take action to correct the problem and assess the cost. The assessment could be made to the owner or the homeowner's association that is required to maintain the pond, or if those options are not available, the Finance Director could choose to assess the cost to all property owners of lots in the recorded subdivision plat in which the detention basin, retention pond or drainage improvement is located. This cost shall be divided equally between all lots in the subdivision, and the property owners of the lot shall be responsible for payment of the assessed cost for each lot.

Clerk Keaton administered the Oath of Witnesses to those individuals who wished to participate in the Public Hearing.

Bill Werling, of 718 W. Westbrook Road, stated there is a retention pond that abuts three sides of his property and he is concerned about the chemicals that would have to be added to the pond to control algae.

Law Director Stephan replied the pond is not Mr. Werling's responsibility and his residence is not in that subdivision plat.

Glen Rarick, of 845 Shaney Lane, and on behalf of the Arlington Woods Homeowners' Association, inquired what vegetation would be allowed to grow in retention ponds?

Law Director Stephan stated the City does not want to micro-manage what type of vegetation should be allowed to grow in the ponds as long as the flow of water is not restricted, it is not overgrown and the pond is being maintained.

Mr. Rarick inquired whether it was possible to plant trees in the detention basin that contains water only during extremely wet periods.

Law Director Stephan replied as a general rule we would not want trees planted in a detention basin because the roots could interfere with drainage.

Member Letner asked whether Mr. Rarick is referring to a detention basin or a swale?

Planning Commission Member Williamson stated it is a dry pond.

Member Cantrell asked if it the detention basin is on the property owner's property?

Mr. Rarick replied there is an easement, but it is on the property owner's property.

Law Director Stephan stated some of the detention basins are on properties owned by individual property owners, but that is typically not the case. Law Director Stephan stated that if the declaration says the homeowners association should be maintaining the detention basin then the homeowners association should be able to make a decision about how it should be maintained. Generally, a tree planted in the middle of a detention basin could cause a problem with flow.

Member Letner inquired if there was a drain where Mr. Rarick was referring to?

Mr. Rarick replied the swale he is referring to has about three drains in it. The property owner would like to put a line of trees as the ground starts to slope down.

Member Letner stated he is wondering why the property owner would want to plant the trees downhill instead of at the top of the swale unless it is a property line issue.

Mr. Rarick replied the property line is in the swale.

Law Director Stephan stated this is an unusual situation and his response is the homeowners association has the right to maintain the drain easements in that subdivision. It gets down to an engineer saying a tree should not or should be here and it is not going to bother the drainage. The crucial issue with the City is that the drainage is properly maintained.

Member Garber commented every standing body of water has algae in it to some degree and how can you regulate that? Member Garber stated we cannot micro-manage the retention ponds or other drainage areas. Member Garber inquired who was going to measure the 25% of the original depth?

Member Apgar replied we are talking about in the pond, not a tree out here someplace, and algae will take over an entire pond if it is not managed.

Member Cantrell said maybe what we should say is removal of algae from the surface of the water that impedes drainage or creates an environmental hazard. We are trying to create a way for the Zoning Officer to enforce maintenance of the retention pond or other drainage improvement and say to the property owners that this is a problem, people in the community have complained, the City is going to clean it up and we are going to assess the cost to the property owners.

Law Director Stephan said the key thing to keep in mind is that this proposed Ordinance only kicks in when there is no one maintaining the pond or there is some major issue with the pond that is not being addressed by the owner. We have some homeowners associations that are doing a great job maintaining their retention ponds and we are not trying to micro-manage how their pond should look as long as it is functioning properly. We have other retention ponds that are not being maintained at all, and in these situations the standards in this proposed Ordinance give our Zoning Officer a place to start.

Member Duncan stated this proposed Ordinance is necessary as we have a situation with a retention pond now that is not being maintained and the owner does not want to maintain it.

Member Garber agreed, saying this situation started with the particular retention pond that Member Duncan is referring to and that the only complaint was about the way it looked.

Member Duncan stated there were complaints about the way it smelled as well.

Member Garber stated he has walked around this entire retention pond and there is a little grass around it but it appears to be functioning.

Member Duncan said it should not be a mosquito draw or an algae place and if it was taken care of it would not draw mosquitoes.

Member Cantrell stated the City has to have a way to take care of something that a property owner abandons and have a way to recoup the costs to do so.

Member Garber said the spouting in his house probably has standing water and draws mosquitoes as well.

Member Duncan replied there is no difference in our Ordinance about maintaining your property by painting your house and keeping your grass cut; this is the same tool to enforce things and make them look better.

Member Garber said grass can be measured but how are you going to measure 25% depth without scuba gear.

Law Director Stephan advised what the proposed Ordinance is trying to address is that when ponds are designed, our engineer reviews the plan and establishes a certain depth certain slope and size for erosion control. When those designs are no longer being met, the pond stops functioning properly. This particular rule comes into play when there is a problem with water flowing through the retention pond because silt is built up. Measurement would not be easy but necessary in this type of situation.

Member Garber inquired who draws the line as to whether the retention pond looks bad.

Law Director Stephan stated there is no homeowners association in the subdivision where the retention pond is that Mr. Werling mentioned. We held a meeting with the homeowners in that subdivision and they do not want to maintain the retention pond and have asked the City to do that. These standards will allow us to assess the maintenance costs to those homeowners. If you have a homeowners association that is actively involved and our Zoning Officer believes there is some item that is not being managed properly, the association would be sent a notice and allowed every opportunity to correct the problem themselves and the City would no longer be involved. The goal is to address the ponds that are not being maintained.

Mayor Seagraves inquired whether the Planning Commission Members in attendance are comfortable with the direction that Council is taking.

Member Williamson agreed with Member Garber that there is no way to determine what the perimeters of this should be; what is too much moss? What looks good to one person may not look good to another.

Law Director Stephan replied he understands these concerns and that there is some vagueness in terms of enforcement. In terms of a retention pond not doing what it should be doing from an engineering point of view, this can be determined by our engineer.

Member Booze commented that Planning Commission also discussed adding the stipulation to any proposed plans that a developer would bring in that the developer would maintain the pond in the interim until the subdivision is completely full and sold and the maintenance could be turned over to the homeowners association.

Member Apgar inquired if there are any specifics we could get from an authority in pond management as to how much algae is too much?

Member Garber asked if we are just having trouble with one retention pond?

Law Director Stephan replied the retention pond in Sterling Meadows, Section 7 and the retention pond on Arlington Road are not being maintained. The City is already maintaining the retention pond in the Meadows of Brookville. The main point of the maintenance cost assessment is to give us the ability to assess those costs to the homeowners in that subdivision and not to everyone.

Member Cantrell commented that she is a member of a homeowners' association at Golden Gate Estates and that it is expensive to keep up their pond. If the homeowners that do pay dues, and not all of them do, would decide not to pay them this proposed Ordinance would give the City the opportunity to take care of the properties and assess all the homeowners equally. Member Cantrell stated that the City has an obligation to its residents to have an ability to maintain retention ponds and assess the costs to the homeowners in the subdivision that the retention pond is servicing.

Member Garber inquired if the property owners have any recourse if they think the assessed costs are exorbitant?

Law Director Stephan replied that if property owners receive a notice concerning retention pond upkeep and there is no homeowners' association, they have the option of forming an association and doing the work themselves. It is when the property owners don't do that or are not willing to do that, then the work will be done by the City and the costs assessed to the homeowners. The homeowners can then go through our appeals process in our Zoning Code if they do not agree with the assessment.

Planning Commission Member Booze asked if the proposed Ordinance makes it a judgment call for the Zoning Officer to determine if the retention ponds are not being maintained and whether they are negligent or grossly negligent?

Member Duncan replied the enforcement of our current Ordinance regarding property maintenance for the most part depends upon the Zoning Officer's judgment call and can also depend on any complaints received about the property.

Assistant Manager/Finance Director Keaton stated that much of that is triggered by a phone call to the City office that calls for an inspection by the Zoning Officer.

Member Duncan commented that as a homeowners' association member who maintains their dues, it costs each homeowner less than \$50 a year to maintain it. Member Duncan stated it is wrong for a homeowner in a subdivision to say they don't want to pay for it and pass the cost on to the complaining taxpayers.

Mayor Seagraves stated that with the type of money people spend on the homes in these subdivisions, why would they want the retention pond to be a mess? Mayor Seagraves commented that we have to have something to fall back on if a developer decides to abandon a project that didn't go his way.

There was no one else present to speak at the Public Hearing.

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

Fire Chief Nickel presented the Brookville Fire Department Incident Type Summary Report by District from September 21 to October 4, 2011 that shows there were a total of 47 runs. Of those 47 calls for service, 45 were attributed to rescue calls.

Fire Chief Nickel complimented Gary Horstman, of the Brookville Historical Society, on the painting of the Spitler House and said it looked very nice.

Police Chief Preston presented the Brookville Police Department Call Analysis for August 2011 which shows there were 638 calls for service in the month. Total calls handled year-to-date shows a decrease of 165 calls or 3% and total reportable incidents show a decrease of 20, or 4% compared to this same time last year.

Police Chief Preston presented the Brookville Police Department Incident Log and Arrest Log for September 20 through October 3, 2011 which shows there were 35 new cases for investigation with 28 closed and 7 pending further investigation. The Brookville Police Department closed 17 of these cases by arrest.

Police Chief Preston reported that for the past three months the Brookville Police Department has been working a little shorthanded. Police Chief Preston said he is not sure if Council is aware but our full time detective has been off on sick leave and it has had an impact on the Officers and our day to day operations. The detective's work load has been split up between Chief Preston, one Sergeant and three different Officers to work on investigations. Police Chief Preston said there have been declines in traffic enforcement and foot patrols but that can't be helped. Police Chief Preston advised typically there are about 60 cases in a month for investigation but this September there were 101 cases. It has been a very busy time but overall things are moving very well.

Police Chief Preston advised over the past few years the Brookville Police Department has developed a good rapport with the juveniles on Market Street but this year there is a new group of young adults gathering in the Market Street area that have presented some challenges for the Police Department. The Police Department has tried to increase their presence in the area and have become more aggressive in their patrol tactics. Police Chief Preston reported that from January 1 through October 4, 2010 the Police Department arrested and charged 46 juveniles, and for the same time period this year the number of juveniles arrested and charged has nearly doubled to 78. The Police Department has tried to make an impact on Market Street but it has been difficult at best. Police Chief Preston advised there have been some vandalism and some business owners are upset. He recently spoke with the Mayor about one business owner who is very vocal about the Police Department's inability to control this. Police Chief Preston stated he also met with Manager Wright last week and the tables and chairs were removed from the front of Pizza Express. These were originally put there for people using the bike path so we were reluctant to remove them in the past, however, with this group of kids taking over the area; no one using the bike path has been able to use the benches or tables, which have been completely vandalized. Police Chief Preston advised the juveniles tried to move their gatherings to the Municipal Parking lot and the Police Department is dealing with that; 13 warnings were issued just last night. Police Chief Preston stated keeping the group from gathering in the Market Street area is a process that the Police Department is working on, but it is very difficult to prevent people from using

a public walk or public roadway. Police Chief Preston stated he personally walks the area in civilian clothes at least twice a week and the Police Department is visible in the area nightly. When Police Officers are present, the youths sit down and behave in an acceptable manner; it is not until the Police are out of sight that the youths act up. Police Chief Preston reported he wants Council to be aware that the Police Department's efforts have doubled and they are trying to do the best they can to get a handle on the situation.

Mayor Seagraves commented on behalf of the Police Department, that the juveniles have to be caught doing wrong, they can't just be issued citations for no reason. The juveniles have totally destroyed the furniture and broke the water fountain, which had to be capped, as well as damaged the gazebo.

Member Duncan inquired about installing surveillance cameras?

Police Chief Preston replied cameras have been discussed and may have to be discussed again in the future, but for now he would like to continue the police work they are doing right now to see if they can get it under control. The cost to install a surveillance system would be between \$20,000 and \$100,000. Police Chief Preston reported there have been some upset parents and there will probably be more. Police Chief Preston stated that the juveniles they are dealing with have no respect for authority and have been reciting the law, not always correctly, to our officers saying they know what they are allowed to do and not to do.

Mayor Seagraves commented it is disturbing for both the City and the Market Street businesses owners to put money into the area, only to have it destroyed by the youth. We take pride in our downtown area and it is discouraging that the youth are tearing it up.

Police Chief Preston stated the court system is dealing with kids from Dayton and other communities where they see shootings, stabbings, stealing and robbing; so our kids get slapped on the wrist for vandalism in comparison and are not held responsible for their actions.

Anne Howard, of 339 Maple Street, commented that as someone with above average experience with the juvenile justice system, which is in her opinion an oxymoron, if the parents had control of those juveniles it would not be an issue. The business owners and citizens have a vested interest in the area and it seems as though that group of thugs would have no interest in being there if there is an adult present in the area. Ms. Howard inquired if there is a possibility of a neighborhood watch in the area where members would volunteer their time to be in the area.

Police Chief Preston stated the Police Department is in the process of building up their Neighborhood Watch Program, and will be starting one in the Market Street area. This would give the Police Department extra sets of eyes to watch for crime or suspicious activity when they cannot be present. Police Chief Preston advised the problem is finding volunteers who want to do it.

Ms. Howard asked Police Chief Preston to contact her if he wanted some help putting together a group of volunteers to become a Neighborhood Watch in the Market Street area.

Police Chief Preston reported the first Neighborhood Watch meeting was recently held for the Terrace Park neighborhood, and only one person showed up. This meeting has been rescheduled for October 17, 2011 and flyers will be delivered door to door by the Brookville Police Department to encourage participation.

Police Chief Preston reported the annual Ident-i-Kid Program is scheduled at the elementary school on October 13, 2011, where 150 kids will be photographed and fingerprinted. Police Chief Preston reported the Police Department will also be at the elementary school on October 14 for the Eddie Eagle Gun Safety Program.

Police Chief Preston advised the Police Department has been watching the traffic flow at the school. There are no real issues during the elementary school time, but there is more traffic flow during the high school time both in the morning and the afternoon. Police Chief Preston advised he has personally driven the area in the mornings, and found that there is a little bit of a back-up but it is not excessive. Police Chief Preston stated there is absolutely no need for a traffic light. Police Chief Preston said the average wait time of 30 to 40 seconds to

make a turn is about the same as a traffic light. Police Chief Preston reported he has also had Officers monitoring the intersections and even with kids walking there really is no need to have an Officer present to direct traffic, unless there is an event.

Police Chief Preston reported there is a fitness walk for high school students tomorrow at 7:30 a.m. and elementary students at 8:30 a.m. from Westbrook Park to the school. There will be five Police Officers on sight to make sure the event goes smoothly.

Police Chief Preston commented he was surprised that Ms. Griffitts and Ms. Patrick came to Council tonight as he had already informed Ms. Griffitts when they met that there are two sides to every story and he would have Sergeant Jerome do a full investigation for her. Ms. Griffitts seemed more upset yesterday with Officer Lyons attitude and that she felt harassed than about the towing issue. Police Chief Preston reported that it will be investigated from start to finish and he will get back to her.

Law Director Stephan had no report.

Assistant Manager/Finance Director Keaton presented the September 30, 2011 Fund Balance for Council review and approval.

Motion by Duncan, second by Garber to approve the September 30, 2011 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton presented the third quarter Detail Trial Balance which shows the year-to-date revenues and expenditures compared to the 2011 Budget. All major funds revenue is equal to or exceeds the target percentage of 75% through the third quarter.

Assistant Manager/Finance Director Keaton presented a Memorandum to Council on Lease Financing. The Memorandum states a municipal lease is a contract that has many of the characteristics of a standard commercial lease, with three primary differences. The City purchases and takes title to the equipment; the interest is tax exempt, which typically will be financed at interest rates lower than equivalent commercial financing; the lease provides for termination for non-appropriation of funds by City Council. The Memorandum goes on to state that the benefits of a tax-exempt lease include, preservation of capital dollars for other projects for which leasing is not an option; a lease does not create long-term debt on the entity's books; a lease enables improvement of cash flow and it incorporates flexible structuring to meet budget needs. Assistant Manager/Finance Director Keaton stated one of the main reasons for wanting to finance the purchase of a backhoe and medic through a municipal tax-exempt lease was due to the low interest rate proposals that she received. Earlier this year when Council adopted our budget, we did not know what the State of Ohio would be doing with their budget. Since that time, the state is cutting our Local Government Tax 25% this year and an additional 25% in 2012. The state took away our Personal Property Tax that went into effect immediately and starting in January 2013, the City will no longer receive Inheritance Tax. Assistant Manager Finance Director Keaton stated we applied for a FEMA Grant for a new fire engine. If awarded, the City is committed to pay 10% or approximately \$40,000 of the cost of a new engine. The City also continues to pursue grants to construct a new fire station. As part of the grant process, the City may be required to have matching funds, and thus another reason for not spending the cash out of the Fire Capital Improvement Fund at this time.

Member Cantrell stated she thinks it is smart to not spend the money that we have set aside; that we go with lease purchasing given the low cost to borrow the money and that this money is appropriated annually so that if we are not using the equipment or can no longer afford the equipment, we can give up the lease.

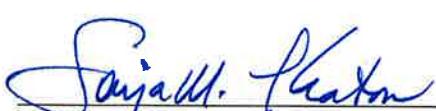
Assistant Manager/Finance Director Keaton stated she has been looking at replacing the backhoe for three years but due to the high cost, she has not been able to include it in the budget.

The consensus of Council is to move forward with the preparation of a Resolution for a Municipal Tax Lease for a new medic and a new backhoe.

There was no Old Business.

There was no New Business.

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

  
Sonja M. Keaton, Clerk

  
David E. Seagraves, Mayor