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BROOKVILLE CITY COUNCIL
REGULAR MEETING
November 16, 2010

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on November 16, 2010 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Letner and Ullery; Manager Wright, Fire Chief Nickel, Police Chief Preston, Law Director Stephan and Assistant City Manager/Finance Director/Clerk Keaton were present.

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

Motion by Cantrell, second by Garber to accept the November 2, 2010 Regular Meeting Minutes as presented. All yeas, motion carried.

Mark Kumpf, of the Montgomery County Animal Resource Center gave a presentation concerning the increase in the cat population of Montgomery County and advised how cats are handled if they are trapped and brought to the Resource Center. Mr. Kumpf stated the City of Brookville currently contracts with the Animal Resource Center to accept stray or feral cats at a cost of \$60 each. The Animal Resource Center has taken in 60 Brookville cats year to date at a cost of \$4,455 to the City. Only five of these cats have been adopted. Last year, the Animal Resource Center established the only cat registration program in the State of Ohio, which allows cat owners to voluntarily register their cats for a fee of \$6.00. Owners can also choose the Register 4 Life option which includes micro chipping the cat. The Resource Center has registered 197 cats to date this year which will help to reunite cats with their owners should they be picked up by the Animal Resource Center.

Member Letner asked how many of the cats picked up or taken in from The City Brookville are spayed or neutered?

Mr. Kumpf stated that the majority of cats from Brookville are friendly cats, whether they are spayed or neutered when they come in is not a statistic they keep track of, but every cat that goes out of the shelter is spayed or neutered.

Brian Weltge, of the Montgomery County Humane Society, advised the Humane Society has been trying to deal with the cat over-population as well. Mr. Weltge advised only 2% of the 89,000 outdoor or free-roaming cats in Montgomery County are spayed or neutered. The Humane Society estimates there are 850 stray cats in the City of Brookville. Mr. Weltge stated that trapping the cats and euthanizing them is not controlling the population problem. The Humane Society is using a new "Community Cat" approach in which healthy trapped strays are spayed or neutered and tagged, then returned to the area where they were trapped.

Jen Miler, of the Montgomery County Humane Society advised a pilot of the "Community Cat Program" has been utilized in Englewood and Moraine for the past year and has been very successful. Ms. Miler advised she is pleased with the volume of volunteer response from the community to help with the program.

Member Letner asked whether the program was overwhelmed with the amount of cats they have taken in?

Ms. Miler stated the current staff is able to handle the amount of strays coming in with no problem.

Lynn Adams, of 303 Salem Street, stated she has been taking care of strays in her neighborhood for the past 12 years. She pays to have them spayed or neutered and has found homes for over 350 cats during this time. Ms. Adams advised she has a working relationship with several area veterinarians. One local vet, Dr. Susan Peters, has agreed to test captured strays for feline leukemia, spay or neuter them and tip their ears for identification at a reduced price for the City of Brookville.

Fire Chief Nickel asked whether cats are tagged when they are released or adopted so that the owner can be identified?

Mr. Weltge replied every adoptable pet leaves the Humane Society with a microchip, collar and tag.

Mr. Kumpf advised the Animal Resource Center microchips adoptable pets as well, and also enters them into their registration program. Most animals that are returned to their owners have been identified through micro chipping. Mr. Kumpf stated the Animal Resource Center also has a "Snip, Chip & Clip" program similar to the Community Cat program in which strays are spayed or neutered, micro chipped and clipped before they are returned to the neighborhood from which they were trapped.

Ms. Adams asked if the City of Brookville could start a "Community Cat Program" or "Snip, Chip & Clip" program to help control the cat population?

Mayor Seagraves thanked Mr. Kumpf, Mr. Weltge and Ms. Adams for the information and stated Council would take it under advisement.

Manager Wright advised he will follow-up with Dr. Susan Peters about starting a spay/neuter and release program in Brookville and will report back to Council.

Manager Wright requested Council approval to enter into a five-year Agreement with the Business First! Program beginning January 1, 2011. The annual maintenance fee will be \$1,500, which includes website hosting. Manager Wright stated the Business First! Program has been very successful in establishing relationships with existing businesses and helping meet any needs they have in order to be successful.

Motion by Cantrell, second by Garber to authorize Manager Wright to enter into a five-year Agreement with the Business First! Program from January 1, 2011 to December 31, 2015 as recommended by Manager Wright. All yeas, motion carried.

Assistant City Manager/Finance Director Keaton presented a proposal to increase the Water and Sewer rates in the City of Brookville. Assistant City Manager/Finance Director Keaton stated the City of Dayton will be increasing their water rates 1.6% in 2011. Assistant City Manager/Finance Director Keaton advised Dayton increased our water rate 4.9% in 2009 but we only increased our water rate by 3.2% in April 2009 for the June billing. This increase did not cover the increase in our billing from Dayton, but was sufficient in 2009. The proposed water rate increase for 2011 is approximately 3.2%. Based on the average homeowner's usage of 3,000 cubic feet per quarter, the proposed increase would cost our customers \$1.23 per month or \$3.70 per quarter. The proposed sewer rate increase is approximately 9.1%. Based on the same average usage of 3,000 per quarter, this would increase the bill for the average homeowner \$6.00 per quarter or \$2.00 per month. Assistant City Manager/Finance Director Keaton stated the less rain we have the more water and sewer revenues go up, however, usage has become very consumer driven and people are conserving more water than in the past. Water and sewer tap revenues are down considerably due to the stall in residential and commercial growth. Assistant City Manager/Finance Director Keaton also compared the proposed rated increase for 2011 against the 2010 Water & Sewer Rate Survey of nearby communities.

Mayor Seagraves asked for clarification that the reason for the proposed increase is to cover the increase we have incurred from the City of Dayton without dipping into our General Fund.

Assistant City Manager/Finance Director Keaton stated these enterprise funds have been self sufficient since 2005 without any transfers from our General Fund. Assistant City Manager/Finance Director Keaton advised we have had some major sewer equipment repairs and necessary equipment replacements. This fund needs to be built up to cover these types of expenditures in the future. Assistant City Manager/Finance Director Keaton commented we could implement a 1-2% increase on an annual basis to avoid large increases at one time in the future.

Manager Wright stated this is a modest increase that comes out to an additional \$1.23 per month for water and an additional \$2.00 per month for sewer for the average homeowner. Manager Wright reiterated that there have not been any transfers from the General Fund into Water since 2005 and Sewer since 2006 and he would like to keep it that way. Prior to that we were transferring \$40,000 to \$50,000 from the General Fund to both the Water and Sewer

Funds and we certainly do not want to get back to that point again. The fact of the matter is that operating expenses go up every year.

Member Garber asked how much Dayton was going to increase the price each year?

Assistant City Manager/Finance Director Keaton stated their increase is built into their water rate increase ordinance using third quarter Consumer Price Index (CPI) figures compared to the previous year and applying their formula. Assistant City Manager/Finance Director Keaton advised several other cities also use a formula using the CPI factor to increase their rates on an annual basis.

Member Garber commented that Social Security income is not going up next year because the CPI was less than 1% and inquired whether the City of Dayton uses the same formula?

Assistant City Manager/Finance Director Keaton stated the City of Dayton does factor in the CPI but they use their own formula. If Council wants this formula she can present it at a future meeting.

Member Garber stated the current Water Fund balance is similar to last years at this time.

Assistant City Manager/Finance Director Keaton advised we have had a negative balance in our Water Fund for the last three years. The Sewer Fund has had a negative balance as well; however, we have been using the defeasement money from 2006 to offset the deficit.

Mayor Seagraves asked if the large annual water rate increases we've experienced from the City of Dayton over the last few years will continue?

Assistant City Manager/Finance Director Keaton replied the large rate increases are done, but the City of Dayton is using their new formula. In 2010, there was no increase and in 2011 there will be a 1.6% increase.

Member Duncan stated water consumption is down, meaning less water is going through the sewer system. Member Duncan stated we do not have to increase the sewer rates just because the City of Dayton is raising our water rate.

Assistant City Manager/Finance Director Keaton advised we have more operating cost increases in sewer because we operate our own sewer plant.

Member Duncan stated our sewer plant operating increases are about the same as they were last year with the exception of the new equipment we bought.

Assistant City Manager/Finance Director Keaton advised we are likely to be denied two OPWC Grant applications we submitted because we did not have enough points. The more funds we contribute to an OPWC project, the more points we receive, and we did not have sufficient funds to contribute.

Member Duncan stated we should not put a burden on our residents to get more OPWC points.

Assistant City Manager/Finance Director Keaton advised our sewer rates were the third lowest in the area in 2010 and with the proposed increase we will still be the seventh lowest in the area, barring no other entities increasing their rates in 2011.

Member Garber commented we will be paying off a debt in the Sewer Fund so expenses will go down.

Assistant City Manager/Finance Director Keaton advised we may have to go ahead with one of the OPWC projects we submitted rather than wait for the second OPWC round. The cost of the project was approximately \$100,000.

Assistant City Manager/Finance Director Keaton replied the Sewer Fund is used for Wastewater Treatment Plant upgrades and/or repairs. The last upgrade to the Wastewater Treatment Plant was in 1998. Sludge disposal fees, lab supplies and fees are increasing and

we need to plan ahead to build up the Sewer Fund in case something major needs replaced or repaired in the near future.

Manager Wright recommended we move forward with the rate increase and asked Council for direction in whether to prepare an ordinance to implement it.

Member Duncan suggested raising the water rate by the same 1.6% that Dayton is increasing our rate, rather than the proposed 3.2% and adjusting the sewer rate accordingly. If there is not as much water going through the Wastewater Treatment Plant, our plant operating expenses should go down as we are using less chemicals.

Manager Wright replied the operating expenses at the Wastewater Treatment Plant will not go down as the equipment operates 24/7 no matter how much water is going through. Payroll and lab testing fees do not change with the volume of wastewater. Ohio EPA regulations are constantly changing so lab fees continue to rise. Other than a little bit of electricity, almost no expenses decrease when the flow decreases.

Member Duncan stated we covered the 1% spread for citizens when the rates increased in 2009 and inquired whether we could lower the rate increase and still keep the 1% spread between the amount Dayton charges us and we charge our citizens?

Assistant City Manager/Finance Director Keaton replied we covered the 1% spread in 2009 because we had a higher increase in 2007. Now that we have gone two years with a 1% reduction the extra funds are depleted.

Member Letner stated that the wastewater treatment plant is a 24/7 operation. It might be a sticker shock when you open your bill and the rates have increased but it is more of a shock when you go to flush your toilet and sewage backs up in it.

Member Garber stated he understood that the last rate increase was to last for several years. When one of the sewer debts are paid off this year it should balance out the deficit. Member Garber stated he would like to hold off on water and sewer rate increases for 2011.

Member Ullery asked if Council can discuss the rate increase again in six months?

Assistant City Manager/Finance Director Keaton replied that is possible as she can adjust the budget throughout the year.

Member Apgar stated he would be interested in seeing an Ordinance that raises the rates gradually over the next three years.

Member Duncan inquired if Manager Wright had located the water study results done several years ago?

Manager Wright replied the study shows it does not appear to be in the best interest to consider developing a well field in Brookville.

Member Apgar inquired what the bare minimum is that the rates could be raised and still cover costs?

Manager Wright replied the bare minimum is zero however we would not be building up anything for improvements or repairs.

Member Apgar asked how much we would build up if we raise rates the proposed percentage?

Assistant City Manager/Finance Director Keaton replied based on the past year's usage, we would build up a reserve of \$37,000 in the Sewer Fund and \$27,000 in the Water Fund.

Member Duncan inquired how much of a reserve do we need to have in each Fund?

Assistant City Manager/Finance Director Keaton replied the Wastewater Treatment Plant is valued at over \$11,000,000 and we should have a reserve to make repairs and upgrades as needed.

Manager Wright suggested the issue of raising the rates be tabled for now and re-visited in several months. All members were in agreement.

Manager Wright reported the City received three Addendums for extending our recycling contract with Rumpke for 2011. The first proposal is a one year contract that increases our base rate \$75.00 per month for a monthly rate of \$3,810, the two year contract increases our base rate \$120 per month for a monthly rate of \$3,855 and the three year contract increases our base rate \$165 per month for a monthly rate of \$3,900. Each option will include a monthly fuel charge based on a Fuel Surcharge Table attached to the Addendum.

Assistant City Manager/Finance Director Keaton advised the Refuse Fund can handle this increase.

Member Letner inquired whether the option of going to bi-weekly recycling pick-up using recycling toters has been explored? Member Letner stated this option should reduce our tipping fees and he thinks more people will recycle if given this option.

Assistant City Manager/Finance Director Keaton stated there are pros and cons to the bi-weekly pickup using recycling toters. The trash toters we offer are too bulky for many of our senior residents to handle. Residents are given extra recycling bins if requested. Assistant City Manager/Finance Director Keaton stated she has been advised by our Rumpke representative we have the option to renegotiate after locking into a three year contract if we choose later to explore the bi-weekly pick-up.

Motion by Duncan, second by Ullery to accept the three year Addendum for extending our contract with Rumpke for curbside pickup and disposal of comingled recyclable materials on Monday of every week at a monthly cost of \$3,900 plus a monthly fuel surcharge as presented and attached to the Addendum. All yeas, motion carried.

Manager Wright stated he will monitor the feedback from WRGC members that recently went to the biweekly recycling pickup using recycling toters and will keep Council advised of how the program is working within these communities.

Manager Wright reported the Pumpkin Walk on November 6, 2010 was well attended and commended the service clubs for a job well done.

Manager Wright advised that leaf collection is going well and will continue for another two to three weeks.

Manager Wright requested Council authorization to go out to bid on the SCBA (Self Contained Breathing Apparatus) equipment for the Fire Department.

Fire Chief Nickel advised he intends to replace 20 SCBA's with funds received from a FEMA grant. The City will contribute 10% of the cost as stipulated by the FEMA grant.

Motion by Garber, second by Ullery to authorize the City Manager to go out to bid on the SCBA equipment for the Fire Department as requested. All yeas, motion carried.

Manager Wright requested an Executive Session to discuss a Real Estate Matter and a Contract Negotiation Matter.

Fire Chief Nickel presented the Incident Summary by District for November 3, 2010 through November 16, 2010 which indicated the Brookville Fire Department responded to 62 calls for service during this time period. Fire Chief Nickel reported 44 of these calls were within the City of Brookville, 12 in Clay Township, 3 in Perry Township and 3 calls were outside of the Brookville Fire District. Fire Chief Nickel reported a recent kitchen related fire on Vine Street caused \$30,000 to \$40,000 in damages. The fire was well handled by our Fire Department preventing further damage to the structure.

Fire Chief Nickel stated Montgomery County will begin rebanding and retemplating fire radios as part of a national program.

Police Chief Preston presented the Brookville Call Analysis Report for the month of October, 2010. Police Chief Preston reported the Brookville Police Department responded to 563 calls

for service in this time period. The Brookville Police Department has handled a total of 6,205 calls year to date, which is an increase of 395 or 6.7% over this same time last year. Total reportable incidents are down 3, or more than 1% since this same time last year. Police Chief Preston reported the Brookville Police Department had 7 arrests from November 3 through November 14, 2010. The Incident Log from November 2 through November 14, 2010 shows there were 17 new cases for investigation with 15 closed and 2 pending further investigation.

Police Chief Preston presented a letter from the Montgomery County Engineer's Office in response to an inquiry he made about reinstalling a stop sign at the intersection of Brookville-Pyrmont Road and Johnsville-Brookville Road that was removed when Blue Pride Drive was constructed to access the new school. The letter indicates the County Engineer's Office has already improved sight distance looking north on Brookville-Pyrmont Road by trimming overgrown vegetation and they will install an intersection warning sign on Johnsville-Brookville as motorists approach the intersection from the south. The County Engineer's Office has looked at the crash history and intersection sight distances and determined that no additional stop signs are warranted.

Assistant City Manager/Finance Director Keaton presented the October 31, 2010 Fund Balance for Council review and approval.

Motion by Cantrell, second by Apgar to approve the October 31, 2010 Fund Balance as presented. All yeas, motion carried.

Assistant City Manager/Finance Director Keaton reported five Board and Commission seats are set to expire on December 31, 2010. All individuals whose terms will expire have been contacted and all five are interested in serving additional terms. Assistant City Manager/Finance Director Keaton recommended Council reappoint Rick Swabb for a 3-year term on Planning Commission, Dottie Watkins for a 5-year term on Zoning Board of Appeals, Gail Senay for a 4-year term on Park Board and Stephen Williams and Brett Hart for 3-year terms on Board of Tax Appeals.

Motion by Apgar, second by Letner to appoint Rick Swabb for a 3-year term on Planning Commission, Dottie Watkins for a 5-year term on Zoning Board of Appeals, Gail Senay for a 4-year term on Park Board and Stephen Williams and Brett Hart for 3-year terms on Board of Tax Appeals. All yeas, motion carried.

Assistant City Manager/Finance Director Keaton requested Council authorization to transfer \$25,000 into the Street M&R Fund, \$10,000 into the Park Fund and \$50,000 into the Note-NorthBrook Fund as appropriated.

Motion by Cantrell, second by Apgar to approve the transfer of \$25,000 into the Street M&R Fund, \$10,000 into the Park Fund and \$50,000 into the Note-NorthBrook Fund as appropriated and requested. All yeas, motion carried.

Assistant City Manager/Finance Director Keaton requested Council adopt proposed Resolution No. 10-20, which amends the 2010 Estimated Resources and Appropriations.

Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 10-20 entitled "A RESOLUTION AMENDING THE 2010 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 AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant City Manager/Finance Director Keaton requested Council hold a Budget Work Session after the December 7, 2010 Council Meeting. Discussion followed.


The consensus was to hold a Budget Work Session at 6 p.m. on December 7, 2010.

Mayor Seagraves thanked all our veterans for their continued service and wished families with members serving away from home during the holidays a safe and Happy Thanksgiving.

Motion by Duncan, second by Garber to go into Executive Session on a Real Estate Matter and a Contract Negotiation Matter as requested by Manager Wright. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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



Sonja Keaton, Clerk

David E. Seagraves, Mayor