

BROOKVILLE CITY COUNCIL
REGULAR MEETING
December 16, 2008

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Ullery at 7:30 p.m. on December 16, 2008 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Duncan, Garber, Letner, and Reel; Manager Wright, Assistant Manager Sewert, Law Director Stephan, Fire Chief Nickel, Police Chief Preston and Director of Finance/Clerk Keaton were present. Mayor Seagraves was absent.

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

Motion by Reel, second by Duncan to accept the December 2, 2008 Regular Meeting Minutes as presented. All yeas, motion carried.

Dick Baker, representing the Brookville Optimist Club, requested permission to hold their 19th Annual Community Picnic Run on the streets of Brookville.

Motion by Duncan, second by Cantrell to approve the request for the Brookville Optimist Club to hold their annual Community Picnic Run on the Saturday morning of the Community Picnic using the same course as in previous years. All yeas, motion carried.

Manager Wright deferred his report to allow Police Chief Preston to give his report first, so he can attend another function.

Police Chief Preston presented the Brookville Police Department Incident Log from December 2 through December 15, 2008. Police Chief Preston reported there were 21 new cases for investigation with 17 of those closed and four pending further investigation.

Police Chief Preston reported at times he still gets grief over closing the Communications Center, but during a recent discussion with another Police Chief, it was discovered that Phase Two, which tracks 9-1-1 calls from wireless phones, is up and running. Police Chief Preston reported several of the agencies that have dispatch centers have been running into all kinds of problems. Police Chief Preston commented this Phase Two was forecasted to have some issues, and the various municipalities that dispatch are finding these issues out now.

Member Garber asked Police Chief Preston how the shift flow traffic is when Payless lets out of work?

Police Chief Preston indicated it is congested in that area for an approximate 30 minute time frame. Police Chief Preston reported he recently attended a meeting at Payless and both the Police Department and Payless will be monitoring the situation.

Vice Mayor Ullery commented he recently attended the open house for Payless and it was suggested that Payless educate their employees and also consider rerouting some of the traffic to the north and/or also stagger their shift to alleviate some of the traffic concerns.

Member Garber inquired how the Christmas Knights light display was going.

Police Chief Preston reported he has been there on several occasions, and there hasn't been any traffic backup. His department will continue to monitor the situation.

Manager Wright reported the City was recently notified that the ED/GE Grant for ITI Manufacturing was approved for the full amount of \$100,000.

Manager Wright reported he received the signed Fire/EMS Contract back from Clay Township. Manager Wright reported he did send a cover letter with the Contract as Council requested.

Vice Mayor Ullery commented he recently spoke with Township Trustee Denlinger, and he indicated he would like to meet some time after the first of the year to get some of the concerns in the Fire/EMS Contract resolved.

Manager Wright requested authorization to enter into a three-year renewal (2009-2011) Fire/EMS Service Contract with Perry Township.

Motion by Garber, second by Letner to authorize Manager Wright to enter into a three-year renewal contract with Perry Township for Fire/EMS Service. All yeas, motion carried.

Manager Wright reported at the last Council meeting, Member Letner raised a question about replacing street signs on Arlington Road. Manager Wright stated the signs have been replaced. Manager Wright reported the Service Department will be looking at all of our street signs this winter to see if any others need replaced.

Member Cantrell reported she was told, by a Clay Township resident, that part of the Salem Street, Upper Lewisburg-Salem Road intersection was in the city limits, and asked if the City would consider placing a stop sign at that intersection.

Manager Wright stated none of that intersection, including right-of-way, is in Brookville. At that intersection, both roadways belong to Montgomery County, and the Montgomery County Engineers would need to be contacted.

Member Letner stated the Montgomery County Engineers should do a study of that intersection to see if it warrants a stop sign.

Manager Wright stated he will bring up the idea of a study with the Montgomery County Engineers.

Fire Chief Nickel had no report.

Law Director Stephan stated he has some comments on proposed Resolution No. 08-40 and Resolution No. 08-41 that are before Council tonight. Resolution No. 08-40 approves an income tax revenue sharing agreement between the City of Brookville and Brookville Local School District. Ohio Revised Code Section 5709.82 requires that municipal corporations compensate local school districts when a tax exemption is granted for a project and the payroll from the new employees employed at the project equals or exceeds \$1,000,000 per year during any year in which the tax exemption is in effect. Ohio Revised Code Section 5709.82 authorizes cities and school districts to enter into an agreement to provide for compensation to the school district. This agreement provides for income tax revenue sharing for three projects, the Payless Project, the Payless Expansion Project and the North American Nutrition Project. The agreement provides that these projects will receive a 15-year 100% tax exemption for the value of the improvements in each project. The agreement provides that the City and the Brookville School District will equally divide the income tax revenue from these projects subject to an infrastructure credit of \$20,000 per year that the City will receive for infrastructure costs associated with these projects. The agreement also provides that the City will amend its Community Reinvestment Area #1 to adopt rules applicable to post July 1, 1994 CRA areas. Resolution No. 08-41 amends Community Reinvestment Area #1 to adopt these rules. These new rules will require school board approval for CRA exemptions that exceed 50%, and a 45-day notice to the school district on certain CRA tax abatements. The rules will also require the City to enter into agreements with the tax exemption applicants and grant the City the ability to revoke the agreement in the event of non-compliance by the applicant with the agreement. In conclusion, this agreement with the Brookville Local School District will meet the requirements of Ohio law, and the agreement will permit both the School District and the City to benefit from these new projects. Law Director Stephan stated he would like to thank Council and the City Administrative Staff for their support and patience during negotiations for this Agreement. Law Director Stephan stated he would like to thank Superintendent Hopkins, Treasurer Lori Huffman, and Robert Morrow, Legal Counsel for the School District, for their cooperation in completing this agreement.

Member Duncan asked Law Director Stephan how much money would the school district receive from this revenue sharing agreement?

Law Director Stephan responded that the exact amount of revenue will depend on actual employment in these projects. It is our estimate that these projects will generate approximately \$280,000 per year, and the school district would receive approximately \$130,000. It will take

several years for these projects to be fully completed and employment to reach the projected level. Again, I would stress that this is an estimate based on projected employment in these projects, and the actual amount of revenue sharing may be higher or lower than the estimate of \$130,000.

Member Duncan thanked Law Director Stephan for all of his hard work throughout this process.

Motion by Duncan, second by Reel to read proposed Resolution No. 08-40 and Resolution No. 08-41. All yeas, motion carried.

Motion by Duncan, second by Reel to accept the first reading, dispense with the second and third reading and adopt Resolution No. 08-40 entitled "A RESOLUTION AUTHORIZING AND APPROVING AN INCOME TAX REVENUE SHARING AGREEMENT BETWEEN THE CITY OF BROOKVILLE AND BROOKVILLE LOCAL SCHOOL DISTRICT, AND DECLARING IT AN EMERGENCY."; and Resolution No. 08-41 entitled "A RESOLUTION AMENDING CERTAIN RULES FOR COMMUNITY REINVESTMENT AREA #1, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution No. 08-38, which allows an advance on taxes collected by the Treasurer of Montgomery County in 2009 for tax year 2008.

Motion by Reel, second by Duncan to read proposed Resolution No. 08-38. All yeas, motion carried.

Motion by Reel, second by Duncan to accept the first reading, dispense with the second and third reading and adopt Resolution No. 08-38 entitled "A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2009 FOR TAX YEAR 2008, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution No. 08-39, which amends the 2008 Appropriations.

Motion by Duncan, second by Garber to read proposed Resolution No. 08-39. All yeas, motion carried.

Motion by Duncan, second by Cantrell to accept the first reading, dispense with the second and third reading and adopt Resolution No. 08-39 entitled "A RESOLUTION AMENDING THE 2008 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 DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to accept and authorize the signing of a Depository Agreement with Liberty Savings Bank for a five-year period for the deposit of public funds for active, inactive and interim funds.

Motion by Cantrell, second by Garber to accept and authorize the signing of the Agreement for Depository with Liberty Savings Bank for a five-year period for the deposit of public funds for active, inactive and interim funds. Reel abstained, Duncan abstained, Cantrell yea, Garber yea, Letner yea and Ullery yea. Motion carried with four yeas and two abstentions.

Finance Director/Clerk Keaton reported at the December Park Board Meeting, Trustee Hoover submitted his letter of resignation effective December 31, 2008. With that, the Board of Park Trustees has two recommendations for Council consideration and approval. Motion by Monnin, second by DeVilbiss to recommend to Council that they appoint Shawn Landis to fill the unexpired term of Michelle DeVilbiss on Park Board beginning January 2009. All yeas, motion carried, and Motion by Monnin, second by DeVilbiss to recommend to Council that they appoint Gail Senay to fill the unexpired term of Roger Hoover on Park Board beginning January 2009. All yeas, motion carried.

Motion by Reel, second by Duncan to accept the recommendations of Park Board to appoint Shawn Landis to fill the unexpired term of Michelle DeVilbiss and to appoint Gail Senay to fill the unexpired term of Roger Hoover on Brookville Park Board with both appointments to begin January 1, 2009. All yeas, motion carried.

Finance Director/Clerk Keaton reported she recently attended the County Auditor's Annual Update meeting where they provided the proposed values and reappraisal comparisons, of which Council should have a copy. Finance Director/Clerk Keaton reported the County Auditor anticipates sending additional notices out regarding property tax reevaluation figures from the hearings that were held during the fall.

Finance Director/Clerk Keaton reported the December Planning Commission Meeting has been cancelled due to lack of items for an Agenda.

Finance Director/Clerk Keaton presented a packet to Council on a proposed sewer rate increase. The proposed increase for those customers using 1,000 cubic feet or less would increase \$1.20 per quarter, or \$.40 per month. For those customers using 3,000 cubic feet, the increase would be \$3.60 per quarter, or \$1.20 per month. The increase would be minimal. This proposed increase would generate approximately \$25,000 for the Sewer Fund. Finance Director/Clerk Keaton reported the last sewer rate increase was in 2005. Discussion was held.

The general consensus is to table additional discussion and action until a later Council Meeting.

Vice Mayor Ullery wished everyone Happy Holidays and reminded Council that the Mayor's Prayer Breakfast is scheduled for January 8, 2009 at K's and if you are attending, please RSVP as soon as possible.

Motion by Reel, second by Duncan to read proposed Resolution No. 08-29 through Resolution No. 08-36. All yeas, motion carried.

Motion by Reel, second by Duncan to accept the third reading and adopt Resolution No. 08-29 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME CITY EMPLOYEES"; Resolution No. 08-30 entitled "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR PART-TIME, PAID-ON-CALL, SEASONAL AND/OR TEMPORARY CITY EMPLOYEES"; Resolution No. 08-31 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CITY MANAGER"; Resolution No. 08-32 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE ASSISTANT CITY MANAGER"; Resolution No. 08-33 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL"; Resolution No. 08-34 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FIRE"; Resolution No. 08-35 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF POLICE" and Resolution No. 08-36 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF LAW." All yeas, motion carried.

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


Sonja M. Keaton, Clerk


Ron Ullery, Vice Mayor