

BROOKVILLE CITY COUNCIL
REGULAR MEETING
June 17, 2008

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on June 17, 2008 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Duncan, Garber, Letner, Reel and Ullery; Manager Wright, Law Director Stephan, Fire Chief Nickel, Police Chief Preston and Director of Finance/Clerk Keaton were present. Assistant Manager Sewert was absent.

Motion by Duncan, second by Garber to accept the Agenda with a correction. All yeas, motion carried.

Motion by Reel, second by Duncan to accept the June 3, 2008 Regular Meeting Minutes as presented. All yeas, motion carried.

Robert Anspach, of 602 Mound Street, stated he is a Boy Scout with Troop 325 and he is currently working on his Eagle Scout Project. Mr. Anspach reported the City of Brookville has a lot of storm basins where a lot of chemicals and other debris that shouldn't be thrown down the basins are being thrown into the storm system. Mr. Anspach requested authorization to assist the Montgomery County Soil & Water District with placing awareness labels on approximately 200 older storm drains within the City. This project would assist him in achieving his Eagle Scout award. Mr. Anspach reported he will be applying the labels on the storm drains on Saturday, July 12, 2008.

Motion by Cantrell, second by Reel to allow Robert Anspach to place awareness labels on the storm drains in the City of Brookville for his Eagle Scout Project as requested. All yeas, motion carried.

Manager Wright asked Mr. Anspach to contact Ron Brandt or himself for use of a reflective vest during this project.

Manager Wright reported eight bids were recently opened for the Hill/Harshman Street Reconstruction Project, which had an Engineers Estimate of \$383,878.50. Manager Wright reported the bid received from Star Excavating, which was the apparent second lowest bidder during the bid opening, contained a mathematical error and was in fact the lowest unit price bid. However, it was legally questionable if the bid can be altered after the bid opening, and therefore, the bid of Star Excavating is deemed to be a non-responsive bid. In addition, Arcon Builders, the apparent low bidder at the bid opening, submitted a bid with a lower unit price cost for the installation of sidewalk and curb, which in turn will be a substantial savings to the affected property owners. Manager Wright recommended that Council award the bid to Arcon Builders.

Motion by Garber, second by Ullery to accept the bid from Arcon Builders of \$319,895.00 for the Hill/Harshman Street Reconstruction Project as the lowest, responsive and responsible bid as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported bids are now out for the Mulberry Street CDBG Project. The bid opening is scheduled for July 1, 2008.

Manager Wright reported he is currently looking at replacing the Street Sweeper in the Service Department. Manager Wright stated he has researched new Street Sweepers, and they begin at a cost of \$120,000. Manager Wright reported he found an excellent used Street Sweeper on GovDeals and he is requesting authorization from Council to allow him to place a maximum bid of \$35,000 to purchase the Street Sweeper. Manager Wright stated if we obtain this Street Sweeper, we will sell our current Street Sweeper.

Motion by Ullery, second by Garber to allow Manager Wright to place a maximum bid of \$35,000 on a used Street Sweeper on GovDeals as requested. All yeas, motion carried.

Manager Wright reported the City is preparing to submit an Ohio Public Works Commission Project and we are currently looking at the W. Westbrook area for the installation of curb and

sidewalk from Western Avenue to Brookville-Johnsville Road on the south side of W. Westbrook Road and from Western Avenue to Arlington Road on the north side. Manager Wright reported he and Mayor Seagraves met with Joe Litvin, Montgomery County Engineer, today to see if we could submit this Grant as a joint effort between the City and the County since Westbrook Road is a county road. Manager Wright stated we also receive extra points on the Grant when projects are done jointly. Manager Wright reported the meeting went well.

Member Ullery inquired if sidewalk and curb could be installed on the east side of Brookville-Johnsville Road from Westbrook to Blue Pride Drive. This would assist the children walking to Brookville Schools.

Manager Wright stated we could include this area also.

Motion by Ullery, second by Reel to allow Manager Wright to proceed with the submission of the Ohio Public Works Commission Grant for W. Westbrook Road as presented and to include the installation of sidewalk and curb on the east side of Brookville-Johnsville Road from Westbrook Road to Blue Pride Drive. All yeas, motion carried.

Fire Chief Nickel reported the Brookville Fire Department will be conducting their annual hydrant maintenance program some time in the next two weeks.

Police Chief Preston presented the Brookville Police Department Call Analysis for May 2008 and the Incident Log from June 3 to June 16. Police Chief Preston reported the Brookville Police Department responded to 192 Priority 1 calls, 318 Priority 2 calls and 195 Priority 3 calls during May. The Brookville Police Department handled a total of 2,705 calls year-to-date, which is an increase of 438 calls compared to this same time last year. Total reported incidents are up 94, or 42.9% from this same time last year.

Police Chief Preston reported the Block Party, sponsored by the Brookville Chamber of Commerce, went well. Police Chief Preston thanked the Chamber for an excellent job.

Police Chief Preston reported he recently received a request from one of the towing companies, under the current towing contract, to increase his towing rates due to increasing fuel costs. Police Chief Preston stated the current rate for a standard tow is \$80.00, which was last increased in 2005. Police Chief Preston commented in calculating cost of living increases since 2005 and increasing fuel costs, he recommends that Council increase the current standard towing rate to \$90.00. This proposed rate will be in line with most of the towing companies in the area. Police Chief Preston reported the storage fees under the current contract are set up as two-tier, with \$15.00 per day for the first four days and then \$12.00 per day after that. Police Chief Preston recommended that Council increase the storage rate to \$17.00 per day and do away with the two-tier fee. This proposed storage rate increase will still be under most of the rates that are charged by area towing companies.

Motion by Garber, second by Cantrell to allow Manager Wright to enter into new Towing Agreements with a rate of \$90.00 per standard tow and a \$17.00 per day storage fee with those towing companies that meet the criteria in the new Towing Agreement. All yeas, motion carried.

Police Chief Preston reported he recently encountered several issues with Howell's Towing where their tow truck backed up and caused damage to a vehicle that was ready to be towed and the Police Department found out, through this incident, that the tow drivers license was under suspension. Police Chief Preston recommended that Council allow the Towing Agreement with Howell's Towing to be terminated.

Motion by Duncan, second by Garber to terminate Howell's Towing Agreement effective immediately. All yeas, motion carried.

Police Chief Preston reported Alpha & Omega Towing has expressed an interest in towing for the City of Brookville over the last couple of years and asked Council if they would allow him to present a Towing Agreement to Alpha & Omega Towing.

Motion by Garber, second by Reel to enter into a Towing Agreement with Alpha & Omega Towing if he meets all of the qualifications of the Towing Agreement. All yeas, motion carried.

Council expressed their appreciation to the Police Department for their assistance during the Block Party.

Law Director Stephan had no report.

Member Garber asked Law Director Stephan about the recent article that appeared in the Dayton Daily News on political signs?

Law Director Stephan indicated that he did read the article and stated the City made changes several years ago to our political sign ordinance. Our political sign ordinance allows a sign to be posted for 45 days and it does not tie the number of days to an election.

Finance Director/Clerk Keaton reported she recently received notification from the Ohio Division of Liquor Control that Ohio Food Management Group LLC, dba McMakens IGA filed an Application for change of LLC membership interests, which requires the Division of Liquor Control to notify City Council of the pending agency contract, in addition to the pending liquor license application. Council can either request a hearing on the advisability of issuing the agency contract and permit, or Council can waive the hearing. Finance Director/Clerk Keaton recommended that Council waive the hearing on these two applications.

Motion by Garber, second by Cantrell to waive the hearing on the pending agency contract and pending liquor license application for Ohio Food Management Group, LLC, dba McMakens IGA. All yeas, motion carried.

Member Garber commended the Staff for the City Newsletter, which has taken on a new look.

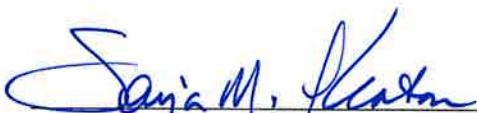
Mayor Seagraves thanked the Brookville Chamber of Commerce for a nice Block Party. Council should have a copy of a letter from the Chamber President thanking Council for allowing them to hold the Block Party. Mayor Seagraves also thanked John and the Service Department along with the Police Department for their assistance at the Block Party.

In Old Business, Member Duncan reported the Committee that was formed to review the Clay Township Fire Contract met and it was decided to get Council authorization for Manager Wright to contact Clay Township to negotiate a new contract, as the current contract expires December 31, 2008.

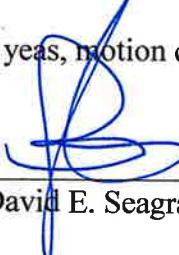
Motion by Reel, second by Garber to allow Manager Wright to negotiate with the Clay Township Trustees for a successor Fire Contract. All yeas, motion carried.

In Old Business, Member Reel thanked Assistant Manager Sewert and Zoning Officer Snedeker for their quick response on the issues he brought up at the last Council meeting.

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



Sonja M. Keaton



David E. Seagraves, Mayor