

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
July 6, 2010

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on July 6, 2010 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Letner and Ullery; Manager Wright, Fire Chief Nickel, Police Chief Preston, Law Director Stephan and Interim Asst. City Manager/Director of Finance/Clerk Keaton were present. Member Garber was absent.

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

Motion by Cantrell, second by Letner to accept the June 15, 2010 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves opened the floor for Public Comment on Proposed Ordinance No. 2010-07-Income Tax Rate Increase. Mayor Seagraves advised the Public Comment session is to give citizens an opportunity to voice their opinion and answer any questions on the proposed .25% income tax rate increase to fund the construction of a new fire station.

Carl Snedeker, of 827 Shaney Lane, asked how many fire department employees regularly sleep on the floors overnight at the current firehouse?

Fire Chief Nickel advised on Saturdays and Sundays there are six employees sleeping on the floors and one paramedic during the week.

Mr. Snedeker inquired whether our proposed fire training facility could be shared with other entities?

Fire Chief Nickel stated we can share training with other entities but we would not get Insurance Services Organization (ISO) points. Other entities have their own training facilities and may have no desire to share. We will get full ISO points for our proposed training facility, which will save businesses and homeowners on their insurance rates.

Mr. Snedeker stated the proposed fire station has a provision for a sixth bay and asked Fire Chief Nickel to project when a ladder truck will be needed?

Fire Chief Nickel replied we have been in need of a ladder truck since 1957. The cost of a ladder truck is approximately \$1,000,000 so it will be a while before it can be purchased. It is cheaper to construct the new fire station with an additional bay rather than add a bay at a later date.

Ralph Hummel, of 232 Maple Street, stated he feels a property tax levy is a better way to fund the new fire station so that everyone helps pay for it and not just the working people who are trying to raise their families.

Dean Sanders, of 824 Meadow Glen, asked for an estimate to construct the new fire station, including the infrastructure that will need to be added to make it operational?

Manager Wright advised we will not have an exact cost until it goes out to bid, but the estimate to construct the new fire station is \$3.4 million. The necessary infrastructure includes a water main extension, a sanitary sewer extension and some drainage work. In the near future we would like to extend Market Street to connect it to Upper Lewisburg Salem Road. The cost to complete all of this is approximately \$500,000. A portion of the money needed to fund this infrastructure will come out of the street, water, and sewer funds as extending the infrastructure will eventually serve other businesses and or residents and not just the new fire station. Manager Wright stated the proposed ordinance to increase the income tax has a provision to allow a portion of the funds generated to be used for this infrastructure.

Mr. Sanders asked how much money has all ready been spent on the new fire station project and whether the Market Street extension is required before the fire station is operational?

Manager Wright responded that including the plans, approximately \$125,000 has been spent on the project. Manager Wright advised the Market Street extension is not a requirement but it makes good sense, in his opinion. Manager Wright stated the Market Street extension will likely not be done if and when the fire station opens.

Mr. Sanders stated the proposed income tax levy will cost citizens \$2.50 per thousand in income and inquired whether any alternatives have been explored to find a place where fire department employees can sleep rather than spending \$4,000,000 at this time due to the economy?

Fire Chief Nickel responded the proposed fire station is not just finding a place for employees to sleep. There is a safety issue at the existing fire station with venting exhaust, the current bays are not configured to NFPA codes, and manufacturers will not construct fire equipment for you unless you meet these NFPA codes. It is a real challenge to park in our current bays at Station 1 as they are too narrow and short for our equipment. At Station 2, there is no room to walk between the fire equipment and the bay doors.

Fire Chief Nickel advised the cost of remodeling the current stations and the land it would require is cost prohibitive, if the land could even be acquired. These options and more were looked at and studied by engineers and staff at the start of this project.

Eunice Unger, of 216 Walnut Street, inquired what the plans are for the current fire stations once the new fire station is built?

Manager Wright replied the buildings would be sold. Station 2 on Albert Road will be easier to sell as it is in an industrial zoning district and hopefully someone will purchase Station 1 who can get some use out of it rather than demolish it.

Mr. Hummel inquired whether a property tax was discussed in lieu of the proposed income tax increase?

Manager Wright stated Council and staff have been working on this project for nearly six years. A property tax has been discussed numerous times but it was decided that with the current school levies a property tax would not be very popular to voters. Council and staff also feel that an income tax will have less impact on our citizens.

Mr. Hummel stated that an income tax increase is unfair as it allows many citizens to get a free ride, while those raising their families have to pay for it.

Manager Wright advised that there would still be citizens getting a free ride if there was a property tax levy as tenants living in rental properties would not have to pay anything.

Mr. Snedeker commented that an income tax does exclude some people and that a property tax cannot be escaped.

Mr. Hummel replied it is not a matter of escaping but a matter of paying your fair share.

Member Duncan stated that no matter which way the new fire station is funded, there will always be someone who benefits who did not have to pay. Residents of our fire district in Clay Township outside the city limits will benefit from a new fire station without having to pay for it.

Mr. Hummel stated a property tax would ensure that the majority of those in the Brookville Fire District will have to pay.

Allen Thrush, of 30 Gaines Street, stated he does not think it is the proper time to ask citizens for more money. He advised he is out selling to the public daily and the market is not bearing any kind of increase in taxes. As a rental property owner, he cannot raise his tenants' rent in order to cover a property tax because they just cannot afford it. Mr. Thrush stated that two more years should not make a difference to a project we have already been working on for six years. Maybe in another year we will have a better grasp of what is going on in this economy. Businesses are leaving town because they are broke. Mr. Thrush stated that maybe now just isn't the time. It would be nice to have the nicer things but waiting a year would not hurt us and it will allow people to recover financially and relax a little.

Member Letner asked Mr. Thrush if he is currently cutting some of his bids just to get the job?

Mr. Thrush replied yes, his bottom line is going down while his cost of materials and labor are going up. He has been fortunate so far but he has to work very hard for the business he gets. He is selling windows for the same price he sold them for ten years ago as the market cannot bear an increase at this time.

Member Letner stated he feels the bid for the new fire station will come in much lower than projected due to the economy. Companies want to keep their workers working.

Mr. Thrush stated it doesn't matter what the bid comes in at if we don't have the money to pay for it.

Member Letner commented that 40-50% of our citizens are working citizens who would have to pay the proposed income tax increase.

Mr. Thrush stated once we start with the proposed income tax increase, we are committed to it.

Mayor Seagraves advised there will be three readings of the proposed Ordinance and it will be discussed. Unfortunately, we have no way of projecting what the economy will be in two years. Council and staff looked at it two years ago and nothing has changed since then. Mayor Seagraves stated it's probably safe to assume that in a year the economy will be about the same as it is now.

Mr. Thrush inquired whether Council feels comfortable in assuming that the 40-50% that are employed will still be employed in a year?

Member Letner stated there are some smaller businesses that are struggling, but other businesses are doing well.

Mr. Thrush advised there are four vacancies at Brookside Plaza.

Member Letner commented that may be a landlord problem.

Mr. Thrush replied it is an economy problem, not a landlord problem. All of the businesses in the Brookside Plaza were service businesses. If no one is buying services, they are forced to close. Mr. Thrush stated he just wants to make sure that Council is taking all of this into consideration. He is pro-build and wants to keep things moving, however, he still wonders whether now is the time to ask for money to construct a new firehouse. Mr. Thrush stated he personally is hoarding money because he doesn't know what this winter or next summer will bring.

Mayor Seagraves thanked everyone for their comments and closed the Public Meeting.

Manager Wright requested Council authorization to advertise for bids for the annual repaving of streets. A portion of the street overlays have already been completed by Montgomery County's program and the stimulus program through the State of Ohio.

Motion by Ullery, second by Letner to allow Manager Wright to advertise for bids for the 2010 Street Resurfacing Project as requested. All yeas, motion carried.

Manager Wright presented a copy of the Dayton Coalition Annual Report, who we have worked with for the past three years to retain and create new jobs. Manager Wright stated the report shows their public expenditures to show where they have spent the money we have contributed to them.

Manager Wright requested an Executive Session on a Personnel Matter at the end of the meeting.

Fire Chief Nickel had no report.

Member Letner inquired whether there were many fire calls related to the Fourth of July holiday?

Fire Chief Nickel responded there were some medic calls, but nothing really related to fireworks or the holiday.

Police Chief Preston reported the Brookville Police Department had 15 arrests between June 15 and July 3, 2010. The Incident Log from June 15 through July 5, 2010 shows there were 30 new cases for investigation with 27 closed and 3 pending further investigation.

Police Chief Preston reported the Fourth of July weekend was relatively quiet. There were only a few minor complaints about loud fireworks.

Law Director Stephan had no report.

Finance Director/Clerk Keaton presented the June 30, 2010 Fund Balance for Council review and approval. Finance Director/Clerk Keaton also presented the mid-year Detail Trial Balance, which shows the year-to-date revenues and expenditures compared to the 2010 budget.

Motion by Cantrell, second by Apgar to approve the June 30, 2010 Fund Balance as presented. All yeas, motion carried.

Mayor Seagraves recessed the Regular Meeting of Council at 8:02 p.m. for the Public Hearing, which is a combined meeting with Council and Planning Commission on proposed Ordinance No. 2010-06, which establishes certain regulations for mobile food vendors in the City of Brookville, Ohio.

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

Finance Director/Clerk Keaton advised a Legal Notice was published in the June 16 and 23 editions of the Brookville Star and the Notice 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.

Law Director Stephan stated the proposed Ordinance defines a Mobile Food Vendor as a person who sells retail food or beverages to the public from any temporary structure or push cart, mobile kitchen, hot dog cart, pretzel wagon or other similar use which is readily movable and which is to be located on a specific property within the boundaries of the City of Brookville. These regulations would not apply to a vendor that is traveling from site to site, for example the ice cream truck, but are designed for a vendor that will be located at a specific location within the city. Mobile Food Vending would be a Special Use Permit in the Community Center District, General Business District, Highway Service District, the I-1 and I-2 Industrial zoning districts and would be subject to the following conditions: Planning Commission would approve the location of the Mobile Food Vendor and the Mobile Food Vendor would operate from the approved location during the term of the permit; Planning Commission may approve a location that is an improved lot within the zoning district including an improved lot that has an existing business located and operating on said improved lot; Planning Commission may also approve a location on a property owned by the City of Brookville but Planning Commission shall not approve a location within a city park. The approved Special Use Mobile Food Vendor Permit will last for one year and would expire one year from the date of issuance. The Mobile Food Vendor shall be licensed and fully comply with all applicable laws and failure to be licensed and comply with all applicable laws shall be grounds for immediate termination of the Special Use Permit by the Zoning Enforcement Officer. The applicant shall provide a copy of all required licenses for food service to the Zoning Enforcement Officer prior to issuance of the Special Use Permit; the owner of the property where the Mobile Food Vendor is located shall consent in writing to the location of the Mobile Food Vendor on their property; no Mobile Food Vendor shall be located on an unimproved vacant lot; Planning Commission shall determine if there is adequate parking on the property where the Mobile Food Vendor is located or there is public parking immediately adjacent to the property where the Mobile Food Vendor is located to ensure public safety for the patrons of the Mobile Food Vendor. These regulations would not apply to a Mobile Food Vendor that supplies food and/or beverages during a special public or charitable event that does not exceed five days in duration.

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

Motion by Letner, second by Ullery to close the Public Hearing. All yeas, motion carried.

Finance Director/Clerk Keaton resumed her report by requesting Council authorization to accept our Commercial Property, Automobile and Liability insurance renewal with The Ohio Plan. The coverage period is from July 1, 2010 through June 30, 2011. The 2010 renewal premium is \$58,458, which is an increase of \$4,100 from last year. This increase is due to increased property values, the purchase of three newer vehicles, specifically listing all fire and rescue equipment, an increase to the value of our fire and medic vehicles and an increase in electronic equipment. Finance Director/Clerk Keaton reported the renewal proposal provides another two year rate guarantee.

Motion by Duncan, second by Letner to accept the Ohio Plan Risk Insurance with the Hylant Group at a renewal premium of \$58,458 beginning July 1, 2010. All yeas, motion carried.

Finance Director/Clerk Keaton reported the City's 2009 Financial Audit is complete, and the City once again received an excellent audit. The 2009 audited Basic Financial Statements have been filed with the State Auditor, and copies are available in the front office.

Mayor Seagraves had no report.

Motion by Cantrell, second by Apgar to read proposed Ordinance No. 2010-07. All yeas, motion carried.

Motion by Letner, second by Cantrell to accept the second reading of proposed Ordinance No. 2010-07. Letner yea, Ullery yea, Apgar yea, Duncan nay, Cantrell yea, Seagraves yea. Motion carried with five yeas and one nay.

Motion by Apgar, second by Cantrell to read proposed Resolution No. 10-12. All yeas, motion carried.

Motion by Cantrell, second by Letner to accept the second reading of proposed Resolution No. 10-12.

Member Duncan commented he has pushed for a recreation center for years. It is unfortunate that the proposed income tax increase is for a fire station which he feels we desperately need but even if the proposed increase was for a recreation facility he cannot vote for it for the simple reason of giving money away. Member Duncan stated he cannot ask the citizens of Brookville for more money when he knows there is money out there which rightfully belongs here.

The vote was taken on accepting the second reading of proposed Resolution No. 10-12. Apgar yea, Duncan nay, Cantrell yea, Letner yea, Ullery yea, Seagraves yea. Motion carried with five yeas and one nay.

Member Letner inquired whether it would be cost effective to switch to the recycling toters with an every other week pick-up as some other communities are doing?

Manager Wright stated he has heard pros and cons on this from other communities and advised he will look into it to see if there would be a significant savings to switch to this type of program.

Motion by Cantrell, second by Ullery to go into Executive Session on a Personnel Matter as requested by Manager Wright. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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