

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
December 7, 2010

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on December 7, 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 Cantrell to accept the Agenda with an addition. All yeas, motion carried.

Motion by Cantrell, second by Apgar to accept the November 16, 2010 Regular Meeting Minutes as presented. All yeas, motion carried.

Montgomery County Treasurer Carolyn Rice was present to report 127 or 4.7% of the 2,734 properties in Brookville are delinquent as of November 30, 2010, with a total value of \$381,722 outstanding. Ms. Rice reported only 18 of the 127 are on a delinquent payment plan, which keeps the property owner in good standing with the Treasurer's Office as long as they pay off their current taxes when they come due. Payment plans are to a property owner's advantage because it stops any further penalties and interest from accruing. Ms. Rice stated payment plans are also advantageous to the City of Brookville because at least a portion of what is owed is being collected and advantageous to the Treasurers Office as it frees them to focus their efforts on other delinquent parcels whose owners are ignoring their tax obligations. Ms. Rice stated the percentage of properties in Brookville on a payment plan is 14%, which is lower than the average of 25-35%. Most people don't realize doing nothing at all is the worst thing they can do because 10% penalties and interest add up. Ms. Rice reported that 93% of Brookville's delinquencies have accrued in the last three years, which means that the amount of penalties and interest is still low.

Member Ullery asked whose responsibility it is to initiate contact with these delinquent accounts?

Ms. Rice indicated it is the Treasurer's Office responsibility to contact delinquent property owners. Ms. Rice advised with the current economy they are doing everything possible to reach people to advise delinquent property owners of their options and possibly help them avoid a tax lien or foreclosure. The Treasurer's Office is changing the way they contact these delinquencies to reflect a softer message that conveys they are willing to work with property owners rather than the traditional messages that threaten them to pay.

Ms. Rice reported the Treasurer's Office has also began a return mail project that focuses on finding property owners who have moved and left no forwarding address. This return mail project has helped the Treasurer's Office find 180 property owners last year which resulted in collecting \$3.7 million in back taxes. Ms. Rice stated the Treasurer's Office has also begun funding two individuals to do outreach and help bolster the Foreclosure Mediation Project with County Corp and the Common Pleas Court. The goal is to reach 25% of those who qualify for mediation and save them from losing their homes and protect property values.

Member Letner inquired whether the Treasurer's Office has ever considered an amnesty program?

Ms. Rice replied there is no provision in the State Law that provides for any type of amnesty program either on taxes or penalties.

Member Garber inquired what percentage of property owners pay their tax bill online and whether the Treasurer's Office has ever considered online billing?

Ms. Rice replied the current state law requires tax bills to be mailed and the majority pay their taxes by mail. Postage is second only to labor costs for the Treasurer's Office.

Member Duncan inquired whether there was any provision to increase penalties for taxpayers that are repeatedly delinquent?

Ms. Rice replied there is no provision for increasing penalties for repeat offenders.

Mayor Seagraves thanked Ms. Rice for her presentation and commended the Treasurer's Office for an outstanding job.

Manager Wright reported two of the five aeration shafts at the Wastewater Treatment Plant have gone down in the past two weeks. One has been repaired and is back in service and the second one will be replaced tomorrow. A spare one has been ordered to avoid this problem in the future. Manager Wright stated a transducer at the Wastewater Treatment Plant also went out this week and had to be repaired. These repairs have cost the city approximately \$25,000.

Manager Wright reported that curbside leaf collection is finished for the season and residents with any remaining leaves can place them in their trash or they can put them in yard bags.

Manager Wright advised city workers have finished hanging Christmas lights on Market Street and at Gateway Park.

Manager Wright reported the ED/GE Program, which began in 1992, was recently renewed for another nine years by the Montgomery County Commissioners. The ED/GE Program was created to spur economic growth, as well as create regional cooperation between its jurisdictions. Manager Wright requested Council approval to renew the ED/GE Participation Agreement with Montgomery County with minor changes through the year 2019. Manager Wright reported the City of Brookville has paid \$250,000 into the program and received over \$2.5 million in grants for economic development projects since its inception. Manager Wright stated Assistant City Manager/Finance Director Keaton and Law Director Stephan have thoroughly reviewed the new numbers for the ED/GE program and the contract itself.

Motion by Garber, second by Cantrell to authorize Manager Wright to enter into an Economic Development/Government Equity (ED/GE) Program Participation Agreement with Montgomery County commencing January 1, 2011 and expiring December 31, 2019. All yeas, motion carried.

Manager Wright reported staff met with Dr. Susan Peters, Brookville Veterinary, concerning a spay/neuter program to help control the cat population in Brookville and he plans to discuss this with staff members at tomorrow's staff meeting. Manager Wright stated he will update Council on the results of this meeting at a later date.

Manager Wright invited members of Council to the Employee Christmas Carry-in Luncheon on December 14, 2010 in the Council Chambers.

Manager Wright advised the 2010 Apple Pie Awards have been awarded and the results will be published in the Brookville Star this week. The Apple Pie Awards are given to residential property owners that take pride in their properties and have done major external improvements to their properties throughout the year.

Manager Wright presented a letter of intent negotiated for the city between the Miami Valley Cable Council and DPL Energy and requested Council approval to enter into a contract with DPL Energy for street lighting services within the City of Brookville.

Assistant City Manager/Finance Director Keaton stated the contract Miami Valley Cable Council negotiated with DPL Energy reflects a projected total savings of \$61,000 from 2011 through 2015.

Motion by Duncan, second by Apgar to read proposed Resolution No. 10-23. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third reading and adopt Resolution No. 10-23 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DPL ENERGY (DPLE) FOR STREET LIGHTING SERVICES FOR USE ON PUBLIC GROUNDS AND STREETS IN THE CITY OF BROOKVILLE, OHIO FOR A PERIOD OF FIVE (5) YEARS COMMENCING JANUARY 1, 2011 AND EXPIRING DECEMBER 31, 2015, AND DECLARING IT AN EMERGENCY." Garber abstains, Letner yea, Ullery

yea, Apgar yea, Duncan yea, Cantrell yea, Seagraves yea. Motion carried with six yeas and one abstention.

Member Ullery stated the property across from Fifth Third Bank on North Wolf Creek Street looks very nice since the house has been demolished. Member Ullery inquired why they didn't take down the dead tree on the property?

Manager Wright stated he has contacted an individual who will take the tree down for the lumber.

Member Garber inquired about the garage storage building that was in the appropriations during the Budget Work Session?

Manager Wright stated the cold storage building is an inexpensive way to protect street department equipment from the elements when not in use. The cold storage building will be erected behind the current city garages.

Fire Chief Nickel advised the Fire Department radios have been re-templated and re-banded without any problems.

Police Chief Preston reported the Brookville Police Department Incident Log from November 16, through December 6, 2010 shows 24 new cases for investigation with 21 closed and 3 pending further investigation. The Brookville Police Department closed 10 of these cases by arrest. Police Chief Preston commented the cold weather has slowed things down for the department.

Police Chief Preston stated the Police Department has been plagued the past month with staffing issues due to injury and surgery leave but will be back to full staffing level soon.

Law Director Stephan had no report.

Assistant City Manager/Finance Director Keaton presented the November 30, 2010 Fund Balance for Council review and approval.

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

Assistant City Manager/Finance Director Keaton requested Council authorization to transfer \$5,000 into the Park Fund as appropriated.

Motion by Apgar, second by Ullery to approve the transfer of \$5,000 into the Park Fund as appropriated and requested. All yeas, motion carried.

Assistant City Manager/Finance Director Keaton requested Council adopt proposed Resolution No. 10-21, which amends the 2010 Estimated Resources and Appropriations.

Motion by Ullery, second by Apgar to read proposed Resolution No. 10-21. All yeas, motion carried.

Motion by Duncan, second by Ullery 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 adopt proposed Resolution No. 10-22, which allows an advance on taxes collected by the Montgomery County Treasurer in 2011 for tax year 2010.

Motion by Duncan, second by Apgar to read proposed Resolution No. 10-22. All yeas, motion carried.

Motion by Cantrell, second by Duncan to accept the first reading, dispense with the second and third reading and adopt Resolution No. 10-22 entitled "A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2011 FOR TAX YEAR 2010, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant City Manager/Finance Director Keaton requested Council authorization to receipt 90% of the revenue from EMS billing into the General Fund for operating costs and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund beginning January 1, 2011.

Motion by Apgar, second by Garber to authorize and direct Assistant City Manager/Finance Director Keaton to receipt 90% of the revenue from EMS billing into the General Fund for operating costs and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund beginning January 1, 2011. All yeas, motion carried.

Assistant City Manager/Finance Director Keaton requested Council approval to designate two of its members to sit on the Volunteer Fire Fighters' Dependents Fund for 2011. For the last four years, Members Duncan and Ullery were appointed to this Board. Assistant City Manager/Finance Director Keaton indicated both Members are interested in sitting on this Board again.

Motion by Apgar, second by Letner to appoint Members Duncan and Ullery to serve as the Legislative Board Members on the Volunteer Fire Fighters' Dependents Fund for 2011. All yeas, motion carried.

Mayor Seagraves reminded everyone of the Prayer Breakfast on January 6, 2011 at 7:30 a.m. at K's Banquet Center.

Mayor Seagraves expressed thanks to all of our veterans for serving and asked everyone to remember the families of those who gave their lives at Pearl Harbor.

Member Ullery requested Council excuse him from three consecutive Council meetings beginning January 18, 2011 and ending February 15, 2011.

Motion by Apgar, second by Duncan to excuse Member Ullery from three consecutive Council meetings beginning January 18, 2011 and ending February 15, 2011. Duncan yea, Cantrell yea, Garber yea, Letner yea, Ullery abstains, Apgar yea, Seagraves yea. Motion carried with six yeas and one abstention.

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

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Sonja Keaton, Clerk

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David E. Seagraves, Mayor