

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
March 6, 2012

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on March 6, 2012 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Howard and Letner; Police Chief Preston, Manager Wright, Law Director Stephan and Assistant Manager/Finance Director/Clerk Keaton were present. Fire Chief Nickel was absent.

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

Motion by Apgar, second by Garber to accept the February 21, 2012 Regular Meeting Minutes as presented. All yeas, motion carried.

Manager Wright reported his meeting to discuss the Regional Dispatch Center issue with the ECPC was rescheduled, by the County, to March 14, 2012. Manager Wright advised he did send a letter to the ECPC with the requests discussed at the last Council meeting.

Manager Wright reported it has been an extremely mild winter and our Service Department is getting an early start on spring chores such as running the street sweeper, working in the parks and making street repairs.

Manager Wright requested an Executive Session on a Contract Matter and a Personnel Matter.

Member Letner commented he has seen the new sign shop at the garage and it is well designed.

Manager Wright stated one of our workers had some training today on the software and sign making and we are just about ready to put it into service.

Member Cantrell inquired what type of signs we will be making?

Manager Wright replied we will be making some speed limit signs, directional signs and stop signs but primarily street name signs.

Member Garber asked if the City was going to offer to make signs for smaller communities such as Verona as discussed at previous Council Meetings, and what are we going to do with the old signs?

Manager Wright said most of the old signs can be stripped down and reused. On making signs for other communities, we will have to evaluate that once we become familiar with our equipment.

Assistant Fire Chief Fletcher reported the Brookville Fire Department responded to 19 Fire and 92 EMS incidents for the month of February compared to 150 incidents during February of last year. Year-to-date, the Fire Department has responded to 27 Fire and 186 EMS incidents. This total of 213 incidents for 2012 compares to 261 incidents through February 2011.

Police Chief Preston reported the Brookville Police Department Incident Log from February 21 through March 5, 2012 shows there were 25 new cases for investigation, with all 25 closed. The Brookville Police Department closed 15 of these cases by arrest.

Law Director Stephan had no report.

Member Garber commented that he read the discussion in the Planning Commission minutes about the EMC signs and asked Law Director Stephan if he was preparing an ordinance regulating these signs?

Law Director Stephan replied he is working on it and intends to present a draft to Planning Commission at their next meeting. Law Director Stephan stated he will provide Council with a copy of the draft and will take any comments that they have before the next Planning Commission meeting.

Assistant Manager/Finance Director Keaton presented the February 29, 2012 Fund Balance for Council review and approval.

Motion by Cantrell, second by Apgar to approve the February 29, 2012 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton reported Council should have a copy of a Note Purchase Agreement that is a part of our Note issuance and is also addressed within the Note Ordinance. This Note Purchase Agreement provides the purchase price, payment of expenses, definitions of certain words and terms, representations, warranties and covenants of the City and of the Original Purchaser, closing, delivery and payment of the Notes and closing documents. The blanks on the Note Purchase Agreement will be completed after the Note is marketed. The Original Purchaser this year will be Fifth Third Securities, Inc. The Note Purchase Agreement is mentioned in the Note Ordinance in Section 6.

Assistant Manager/Finance Director Keaton reported proposed Ordinance No. 2012-02, which is before Council tonight, authorizes the issuance of Notes in an amount of \$400,000 to retire, together with other monies the City's outstanding 2011 Note dated April 19, 2011 and maturing on April 19, 2012. Council should have a copy of a signed Fiscal Officer's Certificate that reads "As fiscal officer of the City of Brookville, I certify in connection with Councils' proposed issue of notes in an aggregate principal amount of \$400,000, to be issued in anticipation of the issuance of bonds to pay costs of constructing a new street in the NorthBrook Industrial Park, together with all necessary appurtenances that the estimated life or period of usefulness of the Improvement is at least five years, the estimated maximum maturity is 20 years, however, since notes in anticipation of the Bonds will be outstanding later than the last day of December of the fifth year following the year of issuance of the original notes, the period in excess of those five years is deducted from that maximum maturity of the Bonds, thus, the maximum maturity of the Bonds is 19 years. The maximum maturity of the Notes is April 26, 2027, which is 20 years from the date of the original Notes issued for this purpose."

Assistant Manager/Finance Director Keaton stated Council should also have a copy of an engagement letter that is referenced in the Note Ordinance under Section 11. Section 11 provides for the approval of an engagement letter with Benesch Friedlander to perform services as bond counsel in connection with the issuance of the Note and authorizes the City Manager to sign the engagement letter.

Assistant Manager/Finance Director Keaton advised the new Note will be dated April 18, 2012 and will mature on April 18, 2013, provided, however, if she determines it is necessary or advisable to the issuance of the Notes, she may establish a maturity date that is up to 14 days less than one year from the date of their issuance. The Notes will bear interest at a rate or rates not to exceed 6%. Assistant Manager/Finance Director Keaton said the reason for this Ordinance to be in emergency fashion is to allow the Underwriter time to market the Note.

Motion by Garber, second by Apgar to read proposed Ordinance No. 2012-02. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2012-02 entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT OF \$400,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING A NEW STREET IN THE NORTHBROOK INDUSTRIAL PARK, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY." Letner yea, Howard yea, Apgar yea, Duncan yea, Cantrell yea, Garber yea, and Seagraves yea. Motion carried with 7 yeas and no nays.

Member Garber asked what the interest rate might be on the Note?

Assistant Manager/Finance Director Keaton stated it should be similar to the rate that we received last year. Rates have not changed a lot over the last year.

Member Letner asked if Speedway's recent purchase of Gas America will affect the City?

Assistant Manager/Finance Director Keaton stated she just received word of that and it is too early to tell.

Member Letner inquired if there has been any feedback on the new recycling totes?

Assistant Manager/Finance Director Keaton replied there has been no feedback to the City Office.

Mayor Seagraves thanked everyone for a successful Mayor's Dance on March 3, 2012. It was well attended and there are enough proceeds to provide Easter dinners for 77 families and still give Dan Linville a nice sum to put toward his medical expenses.

Mayor Seagraves requested an Executive Session on a Personnel Matter.

There was no Old Business.

There was no New Business.

Motion by Duncan, second by Howard to go into Executive Session on a Personnel Matter and a Contract Negotiation Matter as requested by Manager Wright and a Personnel Matter as requested by Mayor Seagraves. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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

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Sonja M. Keaton, Clerk

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David E. Seagraves, Mayor