

BROOKVILLE CITY COUNCIL
REGULAR MEETING
March 5, 2013

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on March 5, 2013 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Howard and Letner; Police Chief Jerome, Fire Chief Fletcher, Law Director Stephan, Assistant Manager/Finance Director/Clerk Keaton and Manager Wright were present.

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

Motion by Apgar, second by Howard to accept the February 19, 2013 Regular Meeting Minutes as presented. All yeas, motion carried.

Marv Mason, of 106 Salem Street, requested Council approval to block off Mulberry Street from Salem Street to Main Street on July 6, 2013 from 4:00 to 11:00 p.m. for a 50th Wedding Anniversary celebration. Mr. Mason also requested to use the gazebo at Powell Park where he and his wife would like to renew their vows in a ceremony conducted by Mayor Seagraves.

Motion by Duncan, second by Howard to allow Mr. Mason to block off Mulberry Street from Salem Street to Main Street on July 6, 2013 from 4:00 to 11:00 p.m. for a 50th Wedding Anniversary celebration and to use the gazebo at Powell Park for a vow renewal. All yeas, motion carried.

Manager Wright reported the renovations to the kitchen side of the Christena Leiber Center are complete. New flooring was professionally installed and our Service Department installed new ceiling tiles, cupboards and countertops and painted the walls. Manager Wright stated it looks very nice and invited Council to stop by and take a look.

Manager Wright reported the street sign replacement program is going well. The Service Department has made approximately 140 warning signs and 20-30 of the street name signs in the new sign shop.

Member Garber inquired what is being done with the old signs.

Manager Wright advised some of the signs are reused and the rest are scrapped for the aluminum. Manager Wright stated the old street name signs will probably be offered for sale to the general public. Manger Wright advised some of the old signs have been donated to the Historical Society.

Manager Wright reported he attended a press conference today regarding House Bill 5 (HB5), which has to do with income tax and uniformity of the collection of income tax. Manager Wright reported the bill will be detrimental to the City in its current form and most cities within the State of Ohio are working together to convince legislators they are making a mistake. Manager Wright advised we are not opposed to the uniformity of tax collection, but it will negatively affect our revenues and we need to make our voices heard. Manager Wright asked Council Members to speak to their legislators about HB5 if they have an opportunity. Manager Wright stated if HB5 passes in its current form, we could lose approximately \$200,000 per year in revenue; resulting in possible cuts in services and raising taxes. Manager Wright advised another bill is being put together by the cities and hopefully a legislator will present this bill in the near future. Manager Wright advised he will forward the details on this as they become available.

Member Garber asked if the fencing concern with the Community United Methodist Church parking lot on Maple Street, which was approved by Planning Commission as a Special Use Permit, has been resolved to the neighbors' satisfaction.

Assistant Manager/Finance Director Keaton reported Zoning Officer Snedeker has been in contact with the church's contractor, Bob Miller, and the church is planning to install a shadow box fence.

Member Garber asked if the drainage issue has been resolved.

Assistant Manager/Finance Director Keaton advised the City will address the drainage issue when the lot is leveled.

Fire Chief Fletcher reported activity for the month of February was back to normal, with 101 EMS incidents and 17 Fire incidents for a total of 118 incidents, which is 21 more incidents than was handled in February 2012. Medic units remain very busy with the flu and injuries from falls.

Police Chief Jerome reported an elderly female found in one of our residential neighborhoods on May 3, 2013 has been identified as a local resident and the death notification to her family has been made.

Police Chief Jerome reported the Brookville Police Department handled 109 Reportable Incidents year-to-date, which is exactly the same amount as this time last year. Citations are down 54 from this same time last year for a total of 77 Citations and 141 Traffic Stops were made in the month of February.

Member Garber asked Police Chief Jerome if he went to the school to discuss the no texting laws that went into effect on March 1, 2013?

Police Chief Jerome advised he did visit the schools and spoke during their announcements about the new texting laws. Police Chief Jerome stated teenage driving deaths due to texting are becoming an epidemic.

Member Cantrell stated she was working at the school when Police Chief Jerome did the announcements and it was very well done. Member Cantrell said she thought the students were surprised and most were not aware of the new texting laws.

Law Director Stephan commented on proposed Ordinance No. 2013-05, which assigns a zoning classification of Highway Service (HS) to the property on Arlington Road that was recently annexed into the City. This zoning was reviewed and recommended by Planning Commission.

Law Director Stephan advised proposed Ordinance No. 2013-06 addresses rezoning a lot owned by the City on the north side of Nutrition Way. Planning Commission discussed this and recommends rezoning this lot to HS as well. This will create consistent Highway Service Zoning on both sides of Arlington Road from I-70 up to Lot 2619 on the north side of Nutrition Way.

Mayor Seagraves stated this should enhance our opportunities to market this property.

Member Garber commented he read in the Planning Commission minutes there would be screening required along the north side of Lot #2619 if something with Highway Service activity is built on this lot as it abuts a residential lot in Clay Township.

Motion by Cantrell, second by Apgar to read proposed Ordinance 2013-05. All yeas, motion carried.

Motion by Apgar, second by Duncan to accept the first reading of proposed Ordinance 2013-05. All yeas, motion carried.

Mayor Seagraves set a Public Hearing for proposed Ordinance No. 2013-05 for April 2, 2013 at 8:00 p.m.

Motion by Duncan, second by Apgar to read proposed Ordinance 2013-06. All yeas, motion carried.

Motion by Apgar, second by Cantrell to accept the first reading of proposed Ordinance 2013-06. All yeas, motion carried.

Mayor Seagraves set the Public Hearing for proposed Ordinance No. 2013-06 for April 2, 2013 at 8:00 p.m. or shortly thereafter.

Assistant Manager/Finance Director Keaton presented the Fund Balance for February 28, 2013 for Council review and approval.

Motion by Duncan, second by Cantrell to accept the February 28, 2013 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 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. 2013-04, which is before Council tonight, authorizes the issuance of Notes in an amount of \$200,000 to retire, together with other monies, the City's outstanding Street Improvement Note, Series 2012 Note dated April 18, 2012 and maturing on April 18, 2013. Council has a copy of a signed Fiscal Officer's Certificate that reads, "As fiscal officer of the City of Brookville, I certify in connection with Council's proposed issue of notes in an aggregate principal amount of \$200,000, to be issued in anticipation of the issuance of bonds to pay costs of constructing a new street in 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 issue of 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 18 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 and deliver the engagement letter.

Assistant Manager/Finance Director Keaton advised the new Note will be dated April 17, 2013 and will mature on April 17, 2014, 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 5%. Assistant Manager/Finance Director Keaton stated the reason for this Ordinance to be in emergency fashion is to allow the Underwriter time to market the Note.

Motion by Apgar, second by Cantrell to read proposed Ordinance No. 2013-04. 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. 2013-04 entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT OF \$200,000 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 IT AN EMERGENCY." Garber yea, Letner yea, Howard yea, Apgar yea, Duncan yea, Cantrell yea and Seagraves yea. Motion carried with seven yeas and no nays.

Mayor Seagraves thanked everyone for their support of the Mayor's Dance. Mayor Seagraves reported around \$4,000 was raised, which will be used to provide 50 families with an Easter dinner. Mayor Seagraves asked for help in assembling the food baskets on March 23 at 9:00 a.m. at the V.F.W. Post #3288. Mayor Seagraves stated the balance of the dance proceeds after the Easter dinners are purchased will be used to donate funds to two local women who are currently battling breast cancer; and \$200 will be donated to the Feed Brookville Program.

Brookville Chamber of Commerce President Jim McGrath expressed his appreciation to Council and the City staff for their response and participation with the Brookville Chamber of Commerce. Mr. McGrath stated the Picnic Committee is really going well; a Network Breakfast roundtable is coming up for local business partners; and Cheryl McHenry will be a guest speaker at an April Chamber luncheon for Secretary's Week.

Assistant Manager/Finance Director Keaton reported at the February 21, 2013 Planning Commission Meeting, there was a motion by Claggett, second by Henderson to recommend to Council to adopt proposed Ordinance No. 2013-02, with the addition of the word asphalt to the permitted driveway material in Section 1157.03(b)(4) and Section 1157.03(c)(4). Assistant Manager/Finance Director Keaton advised the motion was carried with all yeas.

Motion by Apgar, second by Cantrell to read proposed Ordinance No. 2013-02. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the second reading of proposed Ordinance No. 2013-02. All yeas, motion carried.

Motion by Duncan, second by Howard to read proposed Ordinance No. 2013-03. All yeas, motion carried.

Motion by Duncan, second by Cantrell to accept the third reading and adopt Ordinance No. 2013-03 entitled "AN ORDINANCE ADOPTING THE PROCEDURES ESTABLISHED IN OHIO REVISED CODE SECTIONS 3929.86(C) AND 3929.86(D) FOR DEPOSIT OF FIRE INSURANCE PROCEEDS TO ASSIST WITH THE RECOVERY OF COSTS INCURRED BY THE CITY OF BROOKVILLE FOR REPAIRING, REMOVING OR SECURING FIRE DAMAGED BUILDINGS OR OTHER STRUCTURES IN THE CITY OF BROOKVILLE." All yeas, motion carried.

In Old Business, Member Garber inquired whether there was a need to meet with Englewood Dispatch to discuss any issues with the new dispatching services?

Fire Chief Fletcher advised there is an open line of communication with the Sergeant who runs the Dispatch Center and the City of Brookville, so anything that needs to be addressed is addressed as it occurs. Fire Chief Fletcher advised he recently responded to a medic call in the township, and the police were also dispatched as the caller was belligerent. The caller was upset because he called 9-1-1 and the phone rang 12 times before the call was answered. Fire Chief Fletcher explained 9-1-1 calls in the township still go to the Montgomery County Regional Dispatch Center because 9-1-1 calls are routed to the dispatch center where their local police jurisdiction is dispatched from.

In New Business, Member Howard respectfully requested to be excused from the July 2, 2013 Council Meeting.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor