

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
January 21, 2014

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on January 21, 2014 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Kirklin and Letner; Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan, Manager Wright and Assistant Manager/Finance Director/Clerk Keaton were present.

Mayor Seagraves welcomed everyone to the Council Meeting and advised the January 7, 2014 Council Meeting was cancelled due to inclement weather. Mayor Seagraves asked Members Apgar, Duncan and Garber to stand for the Oath of Office to begin their new terms on Brookville City Council. Mayor Seagraves thanked each Council Member for their service and dedication to the community.

Law Director Stephan administered the Oath of Office to Members Apgar, Duncan and Garber.

Motion by Kirklin, second by Letner to nominate Member Cantrell as Vice Mayor. All yeas, motion carried.

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

Motion by Letner, second by Apgar to accept the December 17, 2013 Regular Meeting Minutes as presented. All yeas, motion carried.

Tammy Brubaker, representing the Relay for Life 5K Run, reported they failed to meet the race calendar deadline for the date previously approved by Council and requested permission to reschedule the run for Saturday, May 10, 2014 at 8:00 a.m.

Motion by Cantrell, second by Garber to allow the Relay for Life 5K Run to be rescheduled for Saturday, May 10, 2014, at 8:00 a.m. pending Police Chief Jerome's approval of the date and course. All yeas, motion carried.

Manager Wright reported a new police cruiser was ordered last week and we expect to take delivery in approximately 90 days.

Manager Wright reported the Pre-Bid meeting held last week for the Golden Gate Park Restroom Project was heavily attended by prospective bidders. The bid opening will be conducted this Thursday and will come before Council at the next Council Meeting.

Manager Wright advised Council is invited to an event at Wright State University for Council Members. Those interested should contact Assistant Manager/Finance Director Keaton to sign up to attend.

Manager Wright recommended Council approval of proposed Resolution No. 14-01, which defines the maintenance responsibilities of ODOT and of the City of Brookville regarding Interstate 70.

Motion by Cantrell, second by Kirklin to read proposed Resolution No. 14-01. 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. 14-01 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERSTATE MAINTENANCE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE REPAIR AND OPERATION OF INTERSTATE 70, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Wright reported the former Dairy Queen property was acquired by The Fergus Company LLC, who plans to build an Advanced Auto Parts on the site. Back taxes in the amount of \$84,000 were paid with this acquisition, which is good news for us and particularly for Brookville Schools.

Member Duncan asked if we could use the picnic tables from the old Dairy Queen in our parks?

Manager Wright advised he could check to see if they plan to use the tables.

Member Cantrell inquired if the retailer is building the facility or the construction company?

Manager Wright replied The Fergus Company LLC is constructing the building and will lease it to the retailer.

Member Cantrell asked if the big Dairy Queen sign is going to come down?

Manager Wright stated we do not know that yet and asked Law Director Stephan if we can require it to come down?

Law Director Stephan replied that the sign was approved under a Special Use Permit. Law Director Stephan stated his opinion is if the applicant requests to use the sign he should be permitted to use it.

Manager Wright reported he received notification that there will be no contributions required to the Government Equity part of the Economic Development Government Equity Program (ED/GE) as it has been suspended for the third year in a row.

Manager Wright reported the January weather has been pretty rough on our Service Department but we are doing fine. We have obviously been very busy and our salt supply is getting low, but we have a scheduled salt delivery this week. The overtime and fuel costs have been the biggest hardship. Manager Wright reported the Service Department has also had to repair several water main breaks due to the cold.

Mayor Seagraves commented that our Service Department did an excellent job repairing the recent water main breaks and commends them for braving the weather.

Member Letner stated hats off to our refuse crew as well and commended them on having the foresight to having a back-up crew following them to rotate the men in and out of the cold.

Manager Wright reported the day after the New Year's Day holiday, our men completed a double trash route in one day, where many other communities cancelled their refuse pickup due to the weather. Manager Wright stated the men worked really hard and did a good job.

Member Cantrell commented there are 59 days until spring.

Member Cantrell thanked Manager Wright for leading the Service Department.

Fire Chief Fletcher presented the Brookville Fire Department Operations Report for the month of December 2013, which shows the Brookville Fire Department responded to 100 EMS and 28 Fire incidents during the month, for a total of 128 incidents. This was eight less incidents than handled in December 2012, and 67 incidents over last year. The Fire Department handled 1,553 incidents in 2013.

Fire Chief Fletcher reported from January to March, the Fire Department gets more burning brush calls close to the city limits. Fire Chief Fletcher advised the burning of brush in agricultural districts is legal if they obtain the proper permits and is not permitted in the city limits.

Member Garber reported that DP&L will keep Manager Wright apprised of any power outages during this extreme cold, so that residents can be offered the option to move to the school or other warming center.

Fire Chief Fletcher confirmed plans are in place to partner with Brookville Schools as a warming center if the outage affects a large number of people. Alternate warm locations include the City Building and Fire Station 1 if the outage is confined to just a few households. Fire Chief Fletcher also thanked Member Garber for the heads up on any power outages, stating it is always better to be proactive instead of reactive.

Police Chief Jerome reported the Brookville Police Department has handled 37 Reportable Incidents year-to-date, compared to 34 during this same time period last year. Citations are up 6 for a total of 28 Citations year to date.

Police Chief Jerome advised he had breakfast with the local Pastors last week, and many of them offered their assistance during weather related events. Police Chief Jerome said the pastors also provided information on local food banks he was not aware of, which will be listed on the Police Department's website, along with other local resources available to the public.

Police Chief Jerome reported the Police Department website is under construction with an anticipated launch by the end of this month. The Police Department's Facebook page continues to grow in popularity.

Police Chief Jerome reported the first Women's Assault Survival Program (W.A.S.P.) will be held on February 22 from 9:00 a.m. until 5:00 p.m. and is limited to 25 attendees.

Police Chief Jerome reported Detective Swigart filed 39 felony cases in 2013, compared to other local departments whose detectives averaged about 20 annual felony cases per detective. Of those felony cases, 19 were drug cases. Police Chief Jerome reported felony cases require a lot more time and effort and he is proud of Detective Swigart's performance.

Member Kirklin asked how many of the felonies were prosecuted in some way and how many resulted in the charges being dismissed?

Police Chief Jerome said to his knowledge all of the felony charges were prosecuted in some way, many were plea bargained, which is not unusual, but none of the charges were dismissed.

Member Duncan asked if the bike path closes at dark?

Police Chief Jerome replied the bike path does not have a closing time, but some areas are not lit and probably not the safest place to be in the middle of the night or after dark.

Mayor Seagraves thanked the Service Department and the Police and Fire Departments for their service in this inclement weather.

Law Director Stephan advised Council has before them two Ordinances for a first reading relating to the proposed Montgomery County Fairgrounds Project. The county fairground project is proposed for approximately 70 acres located on West Campus Boulevard and is part of Lot 2173 of the City of Brookville. The property is currently zoned I-2, General Industrial District, and HS, Highway Service District. The Permitted and Special Uses currently approved for these zoning districts do not include a use that would clearly permit the approval of the fairground project in these zoning districts. Therefore, proposed Ordinance 2014-02 is to amend the text for these zoning districts to establish the Montgomery County Fair Facility as a Permitted Use in these districts. Law Director Stephan reported proposed Ordinance 2014-02 would amend the Permitted Uses in the I-1, Light Industrial District, and HS, Highway Service District, to establish the following Permitted Use: Governmentally owned or operated Parks and Recreation Facilities. Recreation Facilities shall include the Montgomery County Fair Facilities and fair operation. This use shall be permitted only as a PD-Planned Development and following the requirements of Chapter 1151 and specifically 1151.04. The Permitted Uses in I-2, Industrial District, include the Permitted Uses in the I-1 District, and so this Ordinance will effectively amend the text for the both the I-1 and I-2 zoning districts as well as the HS zoning district. The second proposed Ordinance, is proposed Ordinance 2014-03, which would rezone the proposed property for the project from its current zoning classification of I-2, General Industrial

District, and HS, Highway Service District, to a new classification of PI-Planned Industrial District. All Permitted Uses in the I-1, General Industrial District, may be approved in the PI-Planned Industrial District. A Pre-Application Conference was held last Thursday with Planning Commission as required under the Planned Development and the Montgomery County Agricultural society has submitted an application for Planned Development and therefore the proposed Ordinance tonight will start the Planned Development Process. As a part of this process, Planning Commission and Council will be reviewing and approving a Planned Development Plan for the project. Upon completion of the first reading of these proposed Ordinances tonight, Public Hearings will be scheduled. The text amendment requires one Public Hearing under 4.11 of the Charter, and the proposed date for that hearing is February 18. The Planned Development process requires two Public Hearings, and the proposed dates are February 18 and March 4. Tim Hopkins, Superintendent of the Brookville Local Schools, has indicated that we could use their auditorium for the Public Hearings. Law Director Stephan advised Montgomery County Fair Board representatives are present, as well as their attorney, Alan Schaeffer, to answer any questions.

Member Duncan questioned if both of the proposed Ordinances pass and a referendum is filed on each one, what will happen if one referendum is passed and the other does not?

Law Director Stephan replied both referendums must pass for the project to move forward. Law Director Stephan advised we will attempt to structure the referendum questions to require passage of both, but if we have to structure separate questions, if either one fails the project will not be approved.

Member Duncan said his understanding is that whoever files the referendum will structure the question.

Law Director Stephan advised we will try to work with the Board of Elections to structure the ballot language in a manner to make it as clear as possible to voters that they need to vote yes on both questions if they want the fairground project to move forward and if they do not want the project to move forward they would vote no on both questions. Law Director Stephan stated ideally we would structure it as one question, but the Board of Elections will probably require it to be two separate questions.

Member Duncan commented undoubtedly this issue will require a Special Election.

Law Director Stephan replied we have a choice under our Charter to hold a Special Election or General Election. We would look at holding a Special Election because we would like to get the applicant an answer as quickly as possible, whether it is or is not going to be approved.

Member Duncan stated the paperwork for a May Special Election must be filed by February 4, 2014.

Law Director Stephan replied we will not meet the deadline for May, so the Special Election would probably be held in August.

Member Cantrell inquired whether we have to have a referendum on this subject?

Law Director Stephan replied if the proposed Ordinances are passed in a normal fashion with three readings, they will become effective 30 days from the date they are passed, and if a referendum petition is circulated and filed properly within those 30 days, it will have to go to referendum. After the Public Hearings and after the recommendation of Planning Commission to Council, then if the Ordinances are amended to an emergency measure by motion and approved by two thirds of the Members of Council, then the Ordinances would be declared to be an emergency measure under the Charter, and not subject to referendum.

Member Cantrell asked who decides whether it goes to a referendum?

Member Duncan replied the citizens decide.

Law Director Stephan stated the citizens have 30 days to file a referendum if the proposed Ordinances are passed in a normal fashion. The citizens must circulate two petitions and obtain the required number of signatures specified in the Charter, and submit the petition to our Clerk of Council. The petition will then be reviewed for sufficiency under our Charter and submitted to the Board of Elections.

Member Cantrell clarified it is not the responsibility of City Staff or Council to request the referendum.

Law Director Stephan stated it is not City Staff's responsibility. We are not going to endorse or not endorse the filing of a referendum. Individual Council Members, as citizens, have a free speech right to advocate for a referendum. Law Director Stephan stated he does not think a Council Member should circulate the petition or be the head of a committee, but they obviously have the free speech right to advocate one way or another regarding the petition.

Member Cantrell commented that Council can choose to stay out of the fray, if you will.

Mayor Seagraves stated Council would have no choice. If the citizens file a referendum, Council has no say so.

Member Duncan stated a referendum requires signatures equal to ten percent of the number of registered voters who voted in the last election. Member Duncan stated he has been told that number is 150 signatures.

Member Cantrell asked Member Duncan if he plans to circulate a petition?

Member Duncan replied he will not circulate a petition, but he will support it, which he feels is his right as a citizen.

Member Cantrell said she thinks Member Duncan should share that opinion outside of Council.

Member Duncan replied that she asked him the question.

Member Cantrell thanked Law Director Stephan for answering her questions.

Member Letner asked Law Director Stephan to confirm if Council passes the proposed Ordinances in emergency fashion, the referendum issue would be nullified?

Law Director Stephan stated that is correct and recommended that would be done after the Public Hearing process and after Planning Commission has recommended to Council the proposed rezoning. Council could then by motion amend the proposed Ordinance to declare an emergency and that would have to be approved by two-thirds of the members of Council. Law Director Stephan advised an emergency Ordinance, under the Charter, is not subject to referendum.

Member Duncan stated that what he is getting from this is that other Members want to press this through in emergency fashion.

Member Letner replied no, he was just asking a question.

Member Cantrell commented she is anxious to hear people come in and talk to Council about the project.

Mayor Seagraves stated there were a lot of good questions at the Pre-Application Conference with Planning Commission. Mayor Seagraves said if the public will come to a Public Hearing, they will get all of the education they need to make a decision. Mayor Seagraves stated to stop or vent the comments on the street, that Council is not meeting privately, nor is Planning Commission with the Fair Board or anyone else. On February 18, everyone will get de-briefed and will be able to ask all of the questions they want. The Fair Board will be present, along with Council and Planning Commission. Mayor Seagraves stated the rumors are out of control.

Member Apgar agreed, stating he cannot believe all of the false information he has heard.

Mayor Seagraves stated he wants to be clear on one thing; the proposed fairground location is not city-owned property. Mayor Seagraves stated it is privately owned property.

Motion by Kirklin, second by Apgar to read proposed Ordinance No. 2014-02. Apgar yea, Duncan nay, Cantrell yea, Garber yea, Letner yea, Kirklin yea and Seagraves yea. Motion carried with six yeas and one nay.

Motion by Garber, second by Apgar to accept the first reading of proposed Ordinance No. 2014-02. Duncan nay, Cantrell yea, Garber yea, Letner yea, Kirklin yea, Apgar yea and Seagraves yea. Motion carried with six yeas and one nay.

Motion by Garber, second by Kirklin to read proposed Ordinance No. 2014-03. Cantrell yea, Garber yea, Letner yea, Kirklin yea, Apgar yea, Duncan nay and Seagraves yea. Motion carried with six yeas and one nay.

Motion by Apgar, second by Cantrell to accept the first reading of proposed Ordinance No. 2014-03. Garber yea, Letner yea, Kirklin yea, Apgar yea, Duncan nay, Cantrell yea and Seagraves yea. Motion carried with six yeas and one nay.

Member Cantrell stated she wants to make sure that she totally understands this from Planning Commission, so if this Planned Development is not approved, then the zoning reverts back to its original zoning classification?

Law Director Stephan stated that is correct, if the Planned Development rezoning is not approved, the current zoning would be in place. The other fact that you need to understand about this Planned Industrial District rezoning is that there will be a time specified in the Development Agreement and in the zoning approval for the project to commence. If the project does not commence within that time period, the Planned Industrial District terminates and it reverts back to its current zoning of I-2 and HS. This is very important to the City and to the property owner because we want to retain the ability to use the property for an industrial or highway service project if the proposed fairgrounds project does not move forward. The primary reason it would not move forward is that Miller Valentine Group has an option to purchase the fairgrounds property in Dayton and if, for some reason, they would not exercise that option, the funds would not be available for the Montgomery County Agricultural Society to move forward with this project. Law Director Stephan stated he thinks Miller Valentine has a two-year option, so we are probably looking at a two-year time frame as the last date the project could move forward.

Member Cantrell stated the Planned Development would be approved by Planning Commission and Council with direction from City Staff, so Council will have input as to how they do it, how they build it, what they hold, and so forth.

Law Director Stephan stated that is correct and that is one of the reasons staff recommended Planned Development so that Planning Commission and City Council can review and approve the plan, and request changes if necessary. This will give us ample opportunity to have the best possible plan going in, and Council will know exactly what they are approving when they vote on the proposed project.

Member Garber agreed with Mayor Seagraves that the Planning Commission Meeting resulted in a lot of good questions being asked and answered, but there are still a lot of details to be hammered out. Member Garber stated approving the proposed Ordinance changes tonight has got the process started so that everyone will be informed along the way.

Law Director Stephan stated we need to schedule the Public Hearings and asked if Council would like to hold the hearings during the Regular Council Meetings, with both the hearings and the meetings at the High School?

Member Garber commented the Public Hearings could take a few hours, and he does not want to have a 90 minute meeting prior to the Public Hearing.

Assistant Manager/Finance Director Keaton suggested starting the Council Meeting earlier than the usual time.

The consensus is to start the Regular Council Meetings on February 18 and on March 4 at 6:30 p.m., with the Public Hearings to follow at 7:30 p.m.

Law Director Stephan advised on February 18 there would be a Public Hearing and on February 20, there would be a Planning Commission Meeting where they would review the plan and vote to recommend to City Council the text amendment and the Planned Development re-zoning. It would then come back to City Council for an additional Public Hearing on the Planned Development on March 4, 2014.

Motion by Duncan, second by Garber to change the location and time for the February 18, 2014 and March 4, 2014 Council Meetings to 6:30 p.m. at the Brookville High School Auditorium, with the Public Hearings both nights to begin at 7:30 p.m.

Member Cantrell asked the Montgomery County Fair representatives if they can have the complete plan for the proposed fairground project ready for a February 18 meeting.

Alan Schaeffer stated it will be ready for presentation on February 18, 2014 at the Public Hearing.

Manager Wright asked if the text or the subject is different at each Public Hearing? Manager Wright said it could get repetitive if that is not defined up front.

Law Director Stephan stated the first Public Hearing will cover the proposed text amendment, the Planned Development re-zoning and the Planned Development Plan. The second Public Hearing is primarily designed for Council to re-consider the Planned Development Plan and in particular if there are any recommendations or additional unaddressed issues from the first Public Hearing that Council would like to resolve with respect to the Planned Development Plan. Law Director Stephan stated the idea with the Planned Development process is that as we move through it, Council or Planning Commission may direct Staff to request changes in the Plan. The second Public Hearing is primarily to address Council's final decision on the Planned Development Plan. Law Director Stephan stated it probably will be repetitive and he is not sure we can get around that.

Mr. Schaeffer stated the big presentation will be at the first Public Hearing, the second Public Hearing should cover any changes to the Planned Development Plan.

Member Garber asked if there will be problems conducting the Council meeting while people are assembling for the Public Hearing.

Manager Wright commented we can conduct regular business quickly on those evenings.

Police Chief Jerome suggested time limits be set for each person who wishes to speak at the Public Hearings.

Law Director Stephan stated in the past we have not set time limits for Public Hearings.

Mayor Seagraves asked what is wrong with setting a two minute time limit?

Law Director Stephan stated if we allow the applicant an hour and a half to present their plan, he is not sure a two or five minute time limit is enough for individuals to speak. If we set a time limit it should be applied to all parties involved.

Member Cantrell asked if there is also a Public Hearing during the Planning Commission Meeting on February 20, or is that just a review?

Law Director Stephan stated that is a Planning Commission review where they will vote whether to recommend the text amendment and re-zoning to Council. Planning Commission is required to attend the February 18 Public Hearing as it is a joint hearing between Council and Planning Commission.

Planning Commission Chairperson Rick Swabb commented at the Planning Commission Meetings they do not allow the same person to speak twice until everyone has spoken. Mr. Swabb also said that people are not allowed to speak if they do not have anything new to say. They can stand and say they agree with what was said but that is all. This process keeps the meetings from becoming lengthy and repetitive.

Member Garber commented those are good guidelines that Mayor Seagraves may be able to address in his opening comments.

Mayor Seagraves stated there is a motion on the floor to change the location and time for the February 18, 2014 and March 4, 2014 Council Meetings to 6:30 p.m. at Brookville High School Auditorium, with Public Hearings both nights at 7:30 p.m. and called for a vote. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval for the December 31, 2013 Fund Balance.

Motion by Duncan, second by Kirklin to approve the December 31, 2013 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton presented the 2013 Detail Trial Balance Report for Council review.

Assistant Manager/Finance Director Keaton requested Council permission to transfer \$50,000 into the Street M&R Fund and \$25,000 into the Park & Recreation Fund, which are portions of the transfers appropriated for in 2014.

Motion by Cantrell, second by Kirklin to authorize the transfer of \$50,000 into the Street M&R Fund and \$25,000 into the Park & Recreation Fund as appropriated. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval to appoint Member Apgar as Park Board Liaison for 2014 as Member Apgar has indicated he is agreeable to continuing this position.

Motion by Letner, second by Cantrell to appoint Member Apgar to continue as Park Board Liaison for 2014. All yeas, motion carried.

Assistant Manager/Finance Director Keaton advised following the last Council Meeting in December, she received an email from the City of Dayton advising that after review, they have determined a water rate increase is not needed for 2014 as they had originally projected. Assistant Manager/Finance Director Keaton advised the 2014 Budget included a small rate increase for water and a rate increase for sewer and requested Council authorization to allow her to prepare a water rate increase Ordinance and a sewer rate increase Ordinance for a first reading at the next Council Meeting.

Motion by Apgar, second by Kirklin to authorize Assistant Manager/Finance Director Keaton to prepare a water rate increase Ordinance and a sewer rate increase Ordinance for a first reading at the next Council Meeting. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval to continue our membership with the Miami Valley Regional Planning Commission (MVRPC) for 2014, and to appoint Mayor Seagraves as Member and Manager Wright as Alternate to the MVRPC Board; and Manager Wright as Member and Mayor Seagraves as Alternate to the Technical Advisory Committee for 2014. The dues are \$2,706.64, based on the 2010 census population figures and are computed at forty-six cents per capita.

Motion by Apgar, second by Cantrell to continue our membership with the Miami Valley Regional Planning Commission (MVRPC) for 2014, and to appoint Mayor Seagraves as Member and Manager Wright as Alternate to the MVRPC Board; and Manager Wright as Member and Mayor Seagraves as Alternate to the Technical Advisory Committee for 2014. Garber nay, Letner yea, Kirklin yea, Apgar yea, Duncan yea, Cantrell yea and Seagraves yea. Motion carried with six yeas and one nay.

Assistant Manager/Finance Director Keaton advised Council the filing deadline is Tuesday, April 15, 2014 to file their 2013 Financial Disclosure Statement. The disclosure can be filed online or the form can be printed from the Ohio Ethics website and mailed in.

Assistant Manager/Finance Director Keaton requested an Executive Session on a Contract Negotiation Matter.

Mayor Seagraves thanked the Service Department for everything they do for the City during this extreme weather.

Mayor Seagraves reported the Prayer Breakfast went well and thanked Council Members and Staff who attended.

Mayor Seagraves commended our Planning Commission, stating they are not afraid to ask questions and do a good job for the City.

Motion by Garber, second by Kirklin to read proposed Ordinance No. 2014-01. 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. 2014-01 entitled "AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS, VINES, GRASS AND/OR OTHER VEGETATION DURING THE YEAR 2013 FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

There was no Old Business.

In New Business, Member Garber asked if it impacts city operations or services in any way when the school closes due to the weather?

The consensus of City Staff is it does not negatively affect city services.

Fire Chief Fletcher stated it actually helps the Fire Department because the Cadets will report for duty on those days.

City Manager Wright said City crews do not have to focus as much time clearing snow or salting in the area around the schools if they are closed.

Member Duncan asked why Time Warner customers have to pay Franchise Fees?

Manager Wright stated it is for use of our right-of-way.

Motion by Duncan, second by Garber to go into Executive Session on a Contract Negotiation Matter as requested by Assistant Manager/Finance Director Keaton. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Assistant Manager/Finance Director Keaton reported the City and the Brookville Police Union, Ohio Patrolmen's Benevolent Association, recently went to Factfinding on the Police Union Contract that expired on December 31, 2013. The Factfinder issued his report; Assistant Manager/Finance Director stated it is her recommendation that Council accept the Factfinders report on Ohio SERB Case No. 2013-MED-10-1254.

Motion by Apgar, second by Kirklin to accept the Factfinder report on Ohio SERB Case No. 2013-MED-10-1254. All yeas, motion carried.

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