

BROOKVILLE CITY COUNCIL
REGULAR MEETING
June 3, 2014

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on June 3, 2014 in the Brookville 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.

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

Motion by Apgar, second by Kirklin to accept the May 20, 2014 Regular Meeting Minutes as presented. All yeas, motion carried.

Lilian Martin, of 3 Deger Court, stated she is here to ask what is happening with the curb and sidewalk replacement in the Terrace Park plat. Mrs. Martin stated the plat is deteriorating and she is almost ashamed to tell people where she lives. Mrs. Martin stated some residents in the plat throw grass and other things into the curb and gutter. Recently she was walking on Crosswell near June Place, and there was something in the gutter that had flies swarming all over it. Another house in the area has a lot of junk in the back yard. Mrs. Martin stated she has quite a bit of money invested in her home and she knows that some people in the plat either do not have a lot of money invested or just do not care. Mrs. Martin said some homes in the plat are rentals but that does not mean they cannot clean up a little bit.

Mayor Seagraves asked Manager Wright about the volunteer group that wanted to clean up the curb and gutter areas?

Manager Wright advised the volunteer group is called Help Us and staff could try to steer the group to the Terrace Park area. Manager Wright commented we recently learned that we probably will not qualify for OPWC grant funds to make necessary repairs to the Terrace Plat. Manager Wright advised if residents have a concern about an individual property they should contact the City Office and our Zoning Officer will address it.

Mrs. Martin stated the wood siding on the house she was referring to has deteriorated and is falling off. Mrs. Martin commented she does not think the house is occupied and she heard that it is going to be sold at a sheriff's auction.

Member Kirklin stated she lives on Crosswell Avenue and this house has been brought to her attention as well. Member Kirklin stated she will get the address for staff.

Law Director Stephan stated we can check on the status of whether the house has been sold, and if there is a new buyer, we can contact them about the condition of the home.

Mrs. Martin stated she appreciates anything we can do.

Member Cantrell asked if our Zoning Officer can go through the Terrace Park plat and make a list of homes that need attention?

Assistant Manager/Finance Director Keaton commented our Zoning Officer addresses that issue now and notifies property owners of violations.

Member Kirklin asked how often our Zoning Officer physically checks addresses?

Assistant Manager/Finance Director Keaton replied our Zoning Officer is out checking properties every day. Assistant Manager/Finance Director Keaton stated checking properties takes the majority of his workday in the spring.

Manager Wright advised since we cannot pursue the OPWC funds, our plan is to do a curb and driveway approach replacement program because that seems to be the worst situation in this plat.

Mrs. Martin commented that may make people take more of an interest in their property. She lives in a cul-de-sac and frequently has to clean up after her neighbors to keep the rain from pooling in front of her driveway.

Manager Wright commented although he does not like it, there is no law against blowing your grass clippings into the street. Manager Wright said we will pursue the curb and approach replacement program for the Terrace Park plat. It is not a popular program but it needs to be done. Manager Wright said we will also try to direct the Help Us volunteer group to this area.

Member Kirklin asked Manager Wright why the curb and approach replacement program is not a popular one?

Manager Wright advised it is the property owner's responsibility to replace the curb, sidewalk and driveway approach. After the properties are surveyed, notices are sent to property owners who need to make repairs, and they can choose to use their own contractor or a contractor hired by the City. If our contractor makes the repairs, the property owner is invoiced and if they do not pay it within the allotted time, it is assessed to their property taxes. Manager Wright advised the entire process for a curb program is about a year-long project.

Member Kirklin asked when the last curb and approach replacement project took place in the Terrace Park plat?

Assistant Manager/Finance Director Keaton replied it was in 2005 or 2006.

Member Kirklin commented it has been potentially ten years since the curbs have been replaced and with the irrigation problem that exists now just by virtue of the age of the development, the sidewalks do not last as long their as they do in other areas.

Mayor Seagraves stated the fact that it is the homeowner's responsibility to make the repairs is the reason the program is not popular. Mayor Seagraves asked if Council is in agreement that a curb replacement program is the proper approach to the problem?

Member Duncan asked what our recourse is when properties are empty and rundown? Is there money to acquire them and tear them down as other communities do?

Manager Wright replied the City of Dayton can do this because they are designated low income areas. The City of Brookville does not have any low income areas, which is why we struggle to get federal grants.

Member Duncan asked if there is any way we can get more aggressive on property maintenance?

Manager Wright replied he thinks we are fairly aggressive and do a decent job with our zoning enforcement. Manager Wright stated if a vacant property needs mowed, the City can do that but we cannot manicure the flower beds for them or make sure the windows are clean. Manager Wright stated he knows that neighboring properties may have issues but the City can only do so much.

Member Duncan stated there is a property on Flanders Avenue where the gutter has been hanging off the house for several years, and asked if the City could fix that and assess it to their taxes?

Member Kirklin commented if we did that, where would we stop?

Law Director Stephan stated there are several vacant properties we have acquired through the courts and then demolished. The issue is when the property reaches that level. Law Director Stephan advised it is a long, stage by stage process that we must deal with on an individual case basis.

Member Seagraves commented Council can have the first of three readings regarding the curb and sidewalk project at the next Council Meeting. After the readings are done, the process of marking the curbs and sidewalks will begin.

Mrs. Martin asked if reminders regarding property upkeep can be printed on the water bills?

Assistant Manager/Finance Director Keaton advised we put a reminder in the newsletter that is mailed to every resident within the City. Assistant Manager/Finance Director Keaton commented there is more room on our new utility bills so we may be able to print it on there as well.

Member Letner advised Mrs. Martin that Council is aware she was at a Council Meeting approximately 18 months ago regarding the same issue and stated Council has not forgotten about it. Member Letner stated with the economy and unemployment as it was, that was not the right time to implement a curb and sidewalk project. Now that the economy has improved, we can take a step in the right direction and get the project started.

Caleb Haas, of Boy Scout Troop 47, introduced himself and advised he is present to work on his Communications Merit Badge.

Mayor Seagraves thanked Caleb for coming and observing community service in action. Mayor Seagraves stated he would be happy to help Caleb and advised him to stick around after Council adjourns.

Ron Ullery, of 560 W. Westbrook Road, commended Manager Wright and the Service Department for the way Golden Gate Park landscaping looks around the new restroom project. Member Ullery stated he knows this was not an easy task with all of the other responsibilities they have.

Mayor Seagraves commented he was at Golden Gate Park today to check out the new restrooms and it looks great.

Manager Wright requested Council authorization to purchase a new Horton medic using the State of Ohio State Term Schedule, which eliminates us from having to go through the bidding process. The State gets a better price because they buy in large quantities. Manager Wright reported the medic will have the same rear box as our current medics, but the chassis is different as it will be a Chevrolet. Manager Wright advised the bid is \$177,295.83 and delivery would be in approximately eight months.

Member Garber asked if the monies will come from the 2015 budget?

Assistant Manager/Finance Director Keaton replied once Council approves the purchase she is required to encumber the funds. Assistant Manager/Finance Director Keaton stated we will pay cash for the new medic.

Motion by Garber, second by Kirklín to accept the State of Ohio Department of Administrative Services, State Term Schedule bid of \$177,295.83 for the construction of a new Horton Medic as requested by Manager Wright. All yeas, motion carried.

Manager Wright reported the Fire Department will take delivery of the recently purchased used fire truck next week.

Manager Wright reported the Golden Gate Park Restroom Project is 99% complete and will open tomorrow. Manager Wright reported he is pleased with the results of the project, which was financed with CDBG funds, and thanked Montgomery County for their assistance with this project.

Manager Wright reported he and Law Director Stephan recently attended the closing on the sale of the 2.1 acre property at the corner of Nutrition Way and Arlington Road to M & L Electric. Manager Wright reported construction should begin on their building within the next year.

Manager Wright reported on May 22, 2014 bids were received and opened for the City of Brookville Wastewater Treatment Plant Rehabilitation Project. Representatives from Brookville, Hazen and Sawyer, Danis and Ulliman Schutte were in attendance as noted on the attached sign-in sheet. Three bids were received and read out loud. Manager Wright stated the project was set up to allow for one single prime general contract. The bid received from Fairfield Service Company of Indiana was for supply of a single piece of equipment

and was subsequently returned as unresponsive. Manager Wight reported Danis Industrial Construction Company submitted a bid for \$1,708,261 and the bid from Ulliman Schutte Construction, LLC was \$1,974,000. Both companies were researched and references were checked, and the lowest bid from Danis Industrial Construction Company was accepted, with the base bid under the engineer's estimate. Manager Wright reported we also propose to do Alternate's A1, A2 and A3; our OPWC construction cost alone is \$1,882,003 so we are ok there. Manager Wright reported there is a pre-construction meeting on June 10 and the start date for the project is scheduled for June 24 with an estimated completion of July 15, 2015.

Member Garber asked if Danis Industrial Construction Company is familiar with the type of wastewater treatment process we use?

Manager Wright replied they are very familiar with wastewater treatment plants and the activated sludge treatment that we use. Manager Wright reported the engineer actually interviewed all of the sub-contractors and they are acceptable.

Member Garber asked if Danis will have a performance bond?

Manager Wright replied Danis will have a performance bond.

Member Apgar inquired about the nearly \$20,000 difference in the Alt A2 bids?

Manager Wright stated he asked the same question and the bottom line is Danis will have to honor the amount that they bid and supply the type of equipment that we specify.

Member Garber asked if we require any safety or drug testing for contractors?

Manager Wright replied we do not.

Motion by Duncan, second by Garber to accept the bid from Danis Industrial Construction Company of \$1,604,500 Base Bid, \$52,436 for Alternate A1, \$23,533 for Alternate A2, \$27,792 for Alternate A3 for a total bid of \$1,708,261 for the Wastewater Treatment Plant Rehabilitation Project as the lowest, responsive and responsible bid as recommended by Hazen and Sawyer and Manager Wright. All yeas, motion carried.

Manager Wright reported Council should have a copy of a letter of appreciation and thanks from the Dayton Cycling Club, thanking Park Board for allowing them to use Golden Gate Park for the Huffman Spring Classic Bicycle Tour on May 18, 2014.

Manager Wright thanked the Police and Fire Departments for their help with the "Ride to the Wall" cycling group that came through Brookville.

Manager Wright advised we are having a problem with sewer credits for filling pools and hot tubs. Manager Wright reported when you compare the amount of time expended by city employees to the sewer credit that is received, it really is not worth it. Manager Wright stated after proposing to make this change, he received complaints from some of our citizens that prompted staff to revisit this issue and bring it to Council for input. Manager Wright gave the floor to Assistant Manager/Finance Director Keaton to present additional information for discussion.

Assistant Manager/Finance Director Keaton reported when customers request a sewer credit after filling their pool and their meters are located inside their home, they can record the meter readings and phone it into the office. Assistant Manager/Finance Director Keaton stated although this is less of a hassle, a city employee still has to take the phone call, write an adjustment, give it to her for approval and key the adjustment into the computer. If the meter is located outside, we have to schedule a time to read the meter, read the meter when the customer starts filling and read the meter again when the customer finishes filling, which uses both manpower and fuel. Then the adjustment has to be calculated, approved and keyed. Assistant Manager/Finance Director Keaton advised between using the WWTP employees to read the meters, the administrative staff in the office and her time, it is costly. Assistant Manager advised there were 35 requests for sewer credits last year for filling pools, hot tubs, garden ponds and fountains, and 25 of those were for less than \$25.

Member Apgar asked if we could require backflows from residents requesting a credit?

Member Cantrell stated a backflow requires a separate meter.

Mayor Seagraves asked when residents see a sizeable price savings?

Member Cantrell asked if the average savings is \$25?

Assistant Manager/Finance Director Keaton stated she and Manager Wright discussed charging a trip charge to read the meters for pool credits, which is \$25.

Member Cantrell asked if other cities do this?

Assistant Manager/Finance Director Keaton said she did a quick review of five entities and two allow a credit, two do not and one allows one credit annually.

Member Garber suggested a flat amount pool credit for pools.

Assistant Manager/Finance Director Keaton shared that most sewer credits are less than \$10.

Member Garber suggested two tiers of credits, a flat amount for a small pool and another for a large pool.

Member Duncan commented with a flat rate someone could call in and say they filled their pool ten different times.

Member Letner stated he thinks the sewer credit should be eliminated and suggested residents use a water hauling service to fill their pools.

Member Cantrell agreed and asked what the legality on allowing flat credits is?

Member Duncan asked what the other cities that were surveyed do?

Assistant Manager/Finance Director Keaton advised Englewood allows sewer credits and Eaton allows one sewer credit per year.

Member Kirklin commented that the amount of expenditure the City has associated with this process whether it is a \$1 credit or a \$25 credit; it is costing the City more than the homeowner is saving. Member Kirklin stated while she is definitely a fan of good business acumen that will save our residents money, we have how many people living within the City of Brookville and we are working to accommodate 35 people. That just does not seem like a good approach.

Manager Wright agreed, stating everyone else is subsidizing for these people.

Member Cantrell advised she has a second meter that has a backflow preventer which she pays to have certified every year as well as paying for the water used for irrigation. This is an expense that some have invested in so that they do not have to bother with getting a credit.

Member Garber asked if residents can put in a second meter?

Manager Wright said absolutely, anyone can put in a second meter.

Member Kirklin stated she would like to make a motion to do away with any sewer credits.

Mayor Seagraves asked if anyone would like to second that motion?

Member Letner stated we need to be careful how we phrase that.

Assistant Manager/Finance Director Keaton stated we allow a one-time sewer credit for sod at newly constructed homes.

Member Kirklin stated this would be aside from the one-time credit we allow for new sod.

Assistant Manager/Finance Director Keaton stated we can specify for pools, hot tubs and ponds.

Member Duncan stated we cannot say we are doing away with all sewer credits if we are allowing deduct meters.

Manager Wright advised the other thing that we give credit for which he thinks we should continue is to people who have had water leaks. Manager Wright stated these requests all come to him. Manager Wright stated leaks may be under the slab, out in the yard or behind the meter, and sometimes the resident will have anywhere from a \$500 to \$1,000 water bill. That water does not go through the sewer obviously because it is a leak. Manager Wright stated we have given sewer credit for that, which he thinks is fair, and we should continue to give credit for situations like that.

Member Cantrell asked if we can specify not allowing a sewer credit for water used for recreational use?

Law Director Stephan stated we should be as exact as we can because there are several different situations going on.

The consensus is to table the issue until Law Director Stephan has a chance to review and draft a motion.

Member Garber asked if a by-pass meter means a second meter for irrigation and for that meter there is no sewer charge?

Assistant Manager/Finance Director Keaton stated that is correct, many of the homes in our newer subdivisions have irrigation meters where they are only billed for water.

Member Kirklin commented that she was recently in McMakens and the manager told her how grateful he was for Service Department Foreman Dale Godsey's quick thinking and actions to help put out a car fire in their parking lot. The manager also commended the Fire Department for their help and said it could have been a lot worse without Dale's quick thinking.

Fire Chief Fletcher thanked Council for approving the purchase of a new medic, stating it will help him manage the Fire Department fleet long term by allowing them to spread the mileage out over the fleet.

Fire Chief Fletcher also commended Service Department Foreman Dale Godsey for taking quick action to extinguish the car fire at McMakens. Fire Chief Fletcher stated while he would not want Dale to put himself in harm's way, it was a simple thing to do to help minimize the loss and control the situation.

Police Chief Jerome stated he came to the scene when he heard the call dispatched and he was impressed with the size of the water tank on the truck that Dale Godsey was driving.

Manager Wright stated the water tank is used for various things, like watering flowers and sod. The Service Department just happened to be driving by when the call went out and stopped to help.

Fire Chief Fletcher reported the Fire Department responded to 127 EMS and 21 Fire incidents during the month of May, which were 8 incidents more than handled in May of 2013. Fire Chief Fletcher reported the Fire Department responded to several structure fires as well as the car fire at McMakens. Fire Chief Fletcher reported crews are continuing to test our fire pumps and fire hoses as well as flow testing the water system within our Fire District. Fire Chief Fletcher reported crews have also been trimming weeds around fire hydrants and asked for the public's help with keeping weeds or landscaping trimmed around fire hydrants to ensure visibility in the event of a fire. Fire Chief Fletcher advised that flow testing has shown that the addition of the school project made water for firefighting adequate in the Terrace Park plat, which is an area where there used to be a concern.

Mayor Seagraves announced Police Chief Jerome has successfully completed his Master's Degree Program. Mayor Seagraves stated he knows Chief Jerome worked very hard and congratulated him on his fine educational trip.

Police Chief Jerome commented it was a long 20 months and he is glad that all the assignments are done.

Police Chief Jerome reported the Brookville Police Department has handled 261 Reportable Incidents year-to-date, compared to 292 during this same time period last year. Citations are down 31 for a total of 209 Citations year-to-date. Police Chief Jerome reported the Police Department, including the Detective have, been very busy but things are going very well. Police Chief Jerome reported they just finished the Click-it or Ticket Campaign and received a free radar unit for their participation in the program. This will save the City \$2,500- \$3,000. Police Chief Jerome reported both he and Fire Chief Fletcher recently met with the library at Rob's Restaurant regarding participating in their "Be a Reading Hero" campaign. The goal is to build a rapport between the kids in the community and first responders. Police Chief Jerome advised he will be participating in the PR campaign for the program, which will be paid for by the Montgomery County Library.

Member Kirklin congratulated Police Chief Jerome on the completion of his Master's Program. Member Kirklin requested Police Chief Jerome share the dates with Council that they are participating in the library program and asked what topics they might address?

Police Chief Jerome agreed to advise Council of the dates and reported he and Fire Chief Fletcher gave the librarians a list of topics they could cover, but told them they were not limited to that list if there was another topic the library wanted them to cover.

Member Kirklin stated she thinks engaging in reading with the younger group is good and the program is a great idea.

Member Garber congratulated Police Chief Jerome.

Law Director Stephan had no report.

Assistant Manager/Finance Director Keaton presented the May 31, 2014 Fund Balance for Council review and approval.

Motion by Duncan, second by Garber to accept the May 31, 2014 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton advised Council should have a copy of the draft audit report of the City of Brookville for year ending December 31, 2013. Assistant Manager/Finance Director Keaton asked if Council would like to hold a post-audit conference or waive the post-audit conference prior to submission to the Auditor of State?

Motion by Garber, second by Cantrell to waive the post-audit conference prior to submission to the Auditor of State? All yeas, motion carried.

Assistant Manager/Finance Director Keaton reported the Park Board Meeting will be held on June 9, 2014 at 7:30 p.m. Assistant Manager/Finance Director Keaton reported the City Wide Garage Sales begin this week and maps are available in our office and on our website. Assistant Manager/Finance Director Keaton reminded everyone of a few other upcoming events. The Electronics Recycling Day will be held on Saturday, June 21, 2014 at the Englewood Government Center from 9:00 a.m. until 1:00 p.m. A Car Show benefitting the Special Wish and 4Paws Foundation will be held on Sunday, June 22 from 10:00 a.m. until 4:00 p.m. in Golden Gate Park. A Cub Scout Day Camp will be held in Golden Gate Park from June 23-June 27. Life Line Screening will be at the Christena Leiber Center on Thursday, June 26 from 9:00 a.m. until 5:00 p.m.

Mayor Seagraves thanked Manager Wright and staff for the great job on the Golden Gate Park Restroom Project. Mayor Seagraves stated he knows it is a busy time and the Service Department is extremely busy this time of year. Mayor Seagraves commended them for doing a great job keeping up with everything.

There was no Old Business.

There was no New Business.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor