

BROOKVILLE CITY COUNCIL
REGULAR MEETING
August 5, 2014

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Cantrell at 7:30 p.m. on August 5, 2014 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Duncan, Garber, Kirklin and Letner; Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan and Assistant Manager/Finance Director/Clerk Keaton were present. Mayor Seagraves and Manager Wright were absent.

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 July 15, 2014 Regular Meeting Minutes as presented. All yeas, motion carried.

Jim McGrath, Brookville Chamber of Commerce President, thanked City staff for their assistance with the Brookville Community Picnic held on July 25 and 26, stating the City went above and beyond to help. Mr. McGrath expressed his appreciation to every member of the City staff and commented the Chamber appreciates their partnership with the City that helps to make the Picnic a successful event. Mr. McGrath reported the Chamber will have a recap meeting on the Picnic this week. Right now he can report the attendance and dollar amount is up but all of the bills are not in. Mr. McGrath reported the Picnic was cut a little short due to a storm moving in, so the fireworks were started early to avoid the weather. Mr. McGrath said he did receive some negative feedback from those who felt the last minute change in the schedule should have been announced on Facebook.

Member Kirklin clarified that the decision to start the fireworks display early was made in the moment because of the weather?

Mr. McGrath stated that is correct.

Fire Chief Fletcher commented the start time of the fireworks was expedited after conferring with City Manager Wright and Mayor Seagraves.

Member Letner observed the timing was perfect as the rain started as soon as the fireworks concluded.

Mr. McGrath reported they had preplanned to adjust the schedule for the weather so they were not caught unprepared.

Vice Mayor Cantrell commented that the venue was great and everyone appeared to enjoy themselves and asked how the rides did with the location on either side of the entrance?

Mr. McGrath replied the Masons did an awesome job watching for safety issues, but the safety issues are something the Chamber will have to deal with if they continue to use a bigger ride company. Mr. McGrath reported the ride company was very impressed by the event itself and asked for a multi-year contract with the Chamber.

Member Duncan commented that each time his grandchildren exited a ride they were thanked by the ride attendants.

Mr. McGrath stated the proprietor brought every ride owned by his company so if the Chamber uses them in the future the rides will be the same unless the proprietor is able to purchase a new one. Mr. McGrath reported the revenue from the rides was up significantly over recent years and advised that next year they will have the rides open earlier as the attendance during the day on Saturday was up significantly.

Member Garber stated he also heard comments about the rides not opening early enough. Member Garber advised he was at the Picnic several times and was impressed with how clean and litter free the Park was. Jeff Requarth did a wonderful job of picking up trash and emptying trash cans.

Mr. McGrath and several Council Members agreed that Jeff Requarth was tireless in keeping the park clean and the trash cans emptied.

Member Garber commented he drove through Brookville during the fireworks show and was impressed with how many people were outside of their homes watching the fireworks display.

Mr. McGrath commented the Chamber promoted the event by putting it on the Living Dayton television show, several radio commercials and on Facebook.

Vice Mayor Cantrell announced that Assistant City Manager/Finance Director Keaton will present Manager Wright's report in his absence.

Assistant City Manager/Finance Director Keaton reported our 2001 International Dump Truck sold recently on GovDeals for \$26,010. This vehicle was purchased at a Muncy Auction in December of 2009 for \$22,500.

Assistant City Manager/Finance Director Keaton reported the paving portion of the Bikeway Repaving Project is complete. Once the berm and concrete approaches are complete, the intersections will be striped.

Assistant City Manager/Finance Director Keaton advised our Crack Sealing Program began last week and will continue for the next month or two as there is a lot to seal this year.

Assistant City Manager/Finance Director Keaton presented a thank-you letter from the Major Taylor Bike Tour for allowing them to use Westbrook Park as a refreshment stop on their recent bike tour.

Assistant City Manager/Finance Director Keaton announced the annual Community Picnic had a great turnout and congratulated the Brookville Area Chamber of Commerce for an outstanding job of organizing and running the picnic. Assistant City Manager/Finance Director Keaton advised the Chamber did a great job with clean-up leaving minimal work for the City crews. Assistant Manager Keaton also thanked the Police and Fire Departments for their assistance throughout the Picnic.

Assistant City Manager/Finance Director Keaton advised the City currently participates with Montgomery County for the purposes of applying for and receiving grants from the Community Development Block Grant Program. An amendment to the existing Agreement is necessary to prohibit any local jurisdiction from providing CDBG funds to another local jurisdiction in exchange for any other funds or credits. Assistant City Manager/Finance Director Keaton advised Council authorization is needed for Manager Wright to sign this Cooperation Agreement Amendment.

Motion by Garber, second by Kirklin to authorize Manager Wright to sign the Cooperation Agreement Amendment, which prohibits the transfer of CDBG funds to another local jurisdiction in exchange for any other funds or credits. All yeas, motion carried.

Assistant Manager/Finance Director Keaton reminded everyone the Brookville Soccer Association will hold its Opening Day Parade on August 16, 2014 at 9:00 a.m.

Assistant Manager/Finance Director Keaton requested Council authorization to advertise for bids for our Annual Street Resurfacing Program. Assistant Manager/Finance Director Keaton advised Butler Asphalt is not interested in honoring last year's pricing for this year's program which includes milling and repaving eight streets.

Motion by Garber, second Kirklin to allow Manager Wright to advertise for bids for our Annual Street Resurfacing Program. All yeas, motion carried.

Assistant Manager/Finance Director Keaton reported the City received 10 proposals from four different companies at the bid opening for a new rear loading refuse packer. Several proposals were eliminated due to price, others due to the delivery date of 210 days, and some because staff felt they will not meet the City's needs. Assistant Manager/Finance Director Keaton advised staff has decided on a McNeilus 25 yard, HD REL – 2015 model with a base bid of \$148,207. Delivery will be 35-42 days from placing the order. McNeilus has a body in Wisconsin and the chassis will be available in four weeks. Assistant Manager/Finance Director Keaton reported the McNeilus packer was demoed and staff was pleased with it. Manager Wright also received good references on the packer from both Rumpke and the City of Dayton.

Motion by Apgar, second by Garber to authorize Manager Wright to accept the McNeilus Truck & Manufacturing Company bid for a 2015 Freightliner M2 / 25 yard HD Rear Loader with a base bid of \$148,207, with a delivery date of 35-42 days as the lowest and best bid as determined by Manager Wright. All yeas, motion carried.

Member Kirklin inquired whether Manager Wright has received any information regarding the crooked DP&L pole at the south end of Terrace Park?

Member Garber stated some time ago he emailed the area manager regarding that pole, and was advised the pole would be replaced in five business days. Member Garber stated he has emailed the area manager a second time and will stay on it.

Member Kirklin commented that commitments were made to the Terrace Park residents that we have failed on.

Member Garber stated the pole is not in danger of falling, it is just an eyesore.

Member Kirklin commented there are two homes at the dead end of Croswell Avenue and June Place that have had limbs in their yard for approximately four weeks now.

Assistant Manager/Finance Director Keaton replied one of those addresses are on the limb pickup list, however, City crews have not completed this week's list because it was a long list and we also had a large bulk pick up day. Assistant Manager/Finance Director Keaton advised only one of the addresses called in for pickup and it is not uncommon for residents to not call in. Assistant Manager/Finance Director stated City crews chip limbs off a call-in list, and advised everyone they need to call in to be put on that list.

Member Kirklin asked if there are bids to replace the curbs, gutters and aprons at the same time as the repaving on Doyle Avenue and June Place?

Assistant Manager/Finance Director Keaton stated the proposals we received to replace the curb on Doyle Avenue require us to pay prevailing wage rates, which bumps the price up and requires us to go out to bid. Assistant Manager/Finance Director Keaton reported this work will be considerably over the amount we budgeted for this year. Assistant Manager/Finance Director Keaton advised the plan is go ahead and pave Doyle Avenue and June Place this year and then break the remainder of the Terrace Park Plat into sections, budgeting enough for one section each year over the next four to five years.

Member Cantrell inquired if we have to pay prevailing wage because of the size of the project?

Assistant Manager/Finance Director Keaton replied it is not because of the project size, but the prevailing wage threshold is lower on work that involves roads, streets, alleys and sewers than it is on new construction or reconstruction on all other projects. In 2014, the prevailing wage threshold that involves street reconstruction is \$25,261 and reconstruction for all other projects not involving streets is \$75,000.

Member Kirklin asked what the time frame is on getting the Terrace Park plat done?

Assistant Manager/Finance Director Keaton replied we will begin curb replacement next year as we did not budget enough funds to do any this year.

Member Kirklin asked if the project will be done in two years?

Assistant Manager/Finance Director Keaton replied it will take four to five years because there is so much work to be done, which is why the decision was made to go ahead with the resurfacing of June Place and Doyle Avenue as part of our Annual Street Resurfacing Program. Both of these streets are in poor condition.

Motion by Apgar, second by Kirklin to recess the Regular Meeting of Council for the Public Hearing. All yeas, motion carried.

The Public Hearing was recorded and is on file with the Clerk at the Municipal Offices.

Assistant Manager/Finance Director Keaton announced the Public Hearing is to consider the adoption of proposed Ordinance No. 2014-07 that establishes regulations for Wireless Telecommunication Facilities in the City of Brookville, Ohio. A Legal Notice was published in the July 23 and 30 edition of the Brookville Star advising of the Public Hearing. The City did not receive any phone calls, nor did anyone come into the City Office to review proposed Ordinance No. 2014-07.

Assistant Manager/Finance Director Keaton asked if any Council Member needs to abstain from participating in the Public Hearing?

No Council Member indicated the need to abstain.

Law Director Stephan stated the purpose of the proposed Ordinance is to continue to permit Wireless Telecommunication Facilities to be built in the City of Brookville, while regulating the placement, construction, and modification of the facilities. Law Director Stephan reported the proposed Ordinance has been reviewed by Planning Commission and their recommendations have been included in the Ordinance. One of the primary goals is to direct location of the towers into appropriate areas in the City of Brookville and to protect residential areas and land uses from potential adverse impacts. Law Director Stephan stated another purpose is to minimize the adverse visual impact of tower and wireless telecommunication facilities through careful design, siting, landscaping and innovative camouflaging techniques. Law Director Stephan reported we are also trying to encourage co-location of towers and antenna support structures as a primary option rather than the construction of additional single-use towers; avoid potential damage to adjacent properties caused by towers and wireless telecommunication facilities by insuring that such towers are soundly designed, constructed and modified, property maintained and fully removed when abandoned and to ensure that the towers are compatible with surrounding land uses. Law Director Stephan advised Section 1169.02 of the proposed Ordinance talks about applicability and specifically excludes from the regulations any existing tower. Law Director Stephan advised 1169.03 has numerous definitions that are used throughout the Ordinance and noted that definition (n) with respect to wireless telecommunications facilities excludes (1) any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; (2) any satellite earth station antenna one meter or less in diameter, regardless of zoning category; (3) antennas used by amateur radio operators. Section 1169.04 sets standards applicable to all wireless telecommunication facilities, namely; (a) Construction Standard: All wireless telecommunications facilities and support structures shall be certified by an engineer licensed in the State of Ohio to be structurally sound and, at a minimum, in conformance with the Ohio Building Code; (b) Natural Resource Protection Standards: the location of the wireless communications facility shall comply with all natural resource protection standards.; (c) Historical or Architectural Standards Compliance: any application to locate in a historic area would have to be reviewed by the City of Brookville Planning Commission; (d) addresses Color and Appearance Standards, (e) prohibits advertising on the wireless telecommunication facility; (f) restricts artificial lighting except when required by the Federal Aviation Administration; (g) states all wireless telecommunication facilities are subject to the co-location requirements set forth in Section 1169.05; (h) all wireless telecommunication facilities shall be subject to the

abandonment requirements set forth in Section 1169.07; (i) (1) states the tower height shall not exceed 200 feet, (2) the tower shall meet all setback and yard requirements of the Industrial Zoning District in which it is located, (3) no tower shall be located such that the distance from tower to a residentially zoned property or residential use is less than 500 feet, (4) all equipment shelters, located above ground, shall meet the required setback and yard requirements for the Industrial Zoning District in which it is located. Law Director Stephan advised that Planning Commission recommended the 500' radius because there are a few Industrial zoned areas close to residential areas in the older parts of Brookville. Law Director Stephan reported Section 1169.05 addresses co-location requirements stating when a tower is constructed we are requesting it be capable of accommodating at least one additional wireless communication rather than having multiple towers built. As part of this process the applicant will have to make an attempt to relocate or build on an existing tower before they would be permitted to create their own tower. Section 1169.06 addresses abandonment of a tower and gives the City a process to deal with removal of the tower and assessing the cost of that if necessary. Section 1169.07 addresses items we would want in an application from an applicant. Law Director Stephan reported the proposed Ordinance also amends the Special Use sections in the Industrial Districts to specifically add the term wireless telecommunication facilities and in our Special Use Section 1163.03(b) (34) we are adding the term wireless telecommunication facilities and providing it will be subject to provisions of this Chapter. Law Director Stephan stated he would take any questions or public comments at this time.

Member Garber noted there is a typographical error in the proposed Ordinance.

Assistant Manager/Finance Director Keaton stated she would correct.

Member Garber asked if commercial radio towers are subject to the proposed Ordinance, specifically the height limit?

Law Director Stephan advised the proposed Ordinance is only regarding cellular towers, radio towers are provided for in Section 1163.03 (b) 33.

Darrell Reel, of 784 Randy Sue Court, commented that word may not be getting out regarding Public Hearings as the Brookville Star circulation is by paid subscription only, and suggested the City find another way to publicize the Public Hearings.

Assistant Manager/Finance Director Keaton advised she will look into it.

Motion by Apgar, second by Kirklin to close the Public Hearing. All yeas, motion carried.

Vice Mayor Cantrell thanked the City crews for cleaning up the weeds along Wolf Creek Street. Vice Mayor Cantrell asked if the Zoning Officer can look at the sign area in Brookside Plaza as it is overgrown with weeds.

Assistant Manager/Finance Director Keaton stated we will address that with the property owner.

Fire Chief Fletcher presented the Brookville Fire Department Operations Report for the month of July which shows the Fire Department responded to 118 EMS and 26 Fire Incidents during July. There were zero fires with a dollar loss in the Brookville fire protection area during the month of July.

Fire Chief Fletcher reported Fire personnel covered the Brookville Community Picnic with no major issues to report.

Fire Chief Fletcher reported the ISO evaluation has been completed and appeared to go well. Fire Chief Fletcher stated the fact that we do not have a ladder truck will probably affect our ratings; however, we have no place to house a ladder truck. Fire Chief Fletcher advised he will provide a full report on the rating results to Council when it becomes available.

Fire Chief Fletcher reported crews have been clearing weeds around fire hydrants that may be obscured from view, and requested homeowners to trim around fire hydrants that may be in their yard.

Police Chief Jerome reported the Brookville Police Department has handled 382 Reportable Incidents year-to-date, compared to 433 during this same time period last year. Citations are down 37 for a total of 295 Citations year-to-date. The Brookville Police Department made 107 traffic stops during the month of July, which is a decrease of 31 traffic stops over this same time period last year. Police Chief Jerome reported that although the numbers show activity is down, the Police Department has been extremely busy recently, with 22 arrests in the past two weeks.

Police Chief Jerome reported the Detective and Major Simon recently traveled to Virginia to pick up a subject with an outstanding felony warrant issued in February of 2012.

Police Chief Jerome reported the charity softball and basketball tournament held at the Community Picnic were both a huge success.

Police Chief Jerome reported the Police Department will participate in the Annual Brookville Soccer Parade on August 16, the Brookhaven Car Show on August 22 and the Foothill Block Party on August 30. The Police Department will team up with Brookhaven for the "Coffee with a Cop" event to be held later this month or in early September. The Police Department will also participate in the statewide "Drive Sober or Get Pulled Over" from August 15 through September 1, 2014.

Member Kirklin asked if there is any additional information on the nine vehicles that were broken into recently?

Police Chief Jerome replied he encourages people in the Terrace Park Plat and every plat to lock their car doors at night. Police Chief Jerome commented the Police Department does have a suspect in the thefts.

Vice Mayor Cantrell complimented Police Chief Jerome on the promotional posters for the Brookville Public Library.

Police Chief Jerome advised the Police Department is participating in a county-wide library program where Police Officers will be reading to and participating with students.

Vice Mayor Cantrell stated on behalf of Mayor Seagraves she would like to thank both the Police and Fire Chief for their assistance with the Community Picnic.

Law Director Stephan had no report.

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

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

Assistant Manager/Finance Director Keaton requested Council adopt proposed Resolution No. 14-19 which amends our 2014 Estimated Resources, or Estimated Revenues. This Resolution increases various funds where we received more money than we initially estimated.

Motion by Apgar, second by Kirklin to read proposed Resolution No. 14-19. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading, and adopt Resolution No. 14-19 entitled "A RESOLUTION

AMENDING THE 2014 CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW, AND DECLARING IT AN EMERGENCY”. All yeas, motion carried. Assistant Manager/Finance Director Keaton reported our 2013 audit has been released by the Auditor of State and is now available on their website and in the Brookville City Office. Assistant Manager/Finance Director Keaton reported we once again received an Auditor of State Award and thanked her staff and the department heads that helped make this possible. Assistant Manager/Finance Director Keaton stated it is a team effort to get a clean audit.

Member Garber commented he thinks this award is rarely given and complimented Assistant Manager/Finance Director Keaton and her staff.

Member Kirklin complimented Assistant Manager/Finance Director Keaton and her staff on the hard work to receive this award.

Motion by Garber, second by Apgar to read proposed Ordinance 2014-06. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the third reading and adopt proposed Ordinance 2014-06 entitled “AN ORDINANCE ADOPTING AND IMPLEMENTING THE PROCEDURES UNDER CHAPTER 5722 OF THE OHIO REVISED CODE TO FACILITATE REUTILIZATION OF NON-PRODUCTIVE LAND SITUATED IN THE CITY OF BROOKVILLE.” All yeas, motion carried.

Member Garber inquired whether Assistant Manager/Finance Director Keaton has received more feedback from residents regarding the decline in property values assessed by Montgomery County.

Assistant Manager/Finance Director Keaton replied she has not heard any more comments. The City Office has been very busy the last two days with utility payments.

Member Kirklin reported some residents of the Terrace Park Plat have received notice that their property values have decreased by 10 percent or more.

Assistant Manager/Finance Director Keaton advised residents have the option to appeal their property valuation.

Member Garber requested an Executive Session on a Personnel Matter.

Motion by Duncan, second by Kirklin to go into Executive Session on a Personnel Matter as requested by Member Garber. All yeas, motion carried.

Vice Mayor Cantrell called Council back into Regular Session.

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

Sonja M. Keaton, Clerk

Margo Cantrell, Vice Mayor