

BROOKVILLE CITY COUNCIL
REGULAR MEETING
September 16, 2014

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on September 16, 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 September 2, 2014 Regular Meeting Minutes. All yeas, motion carried.

Mayor Seagraves introduced Jeff Cooper, who is present on behalf of the Montgomery County Human Services levy.

Mr. Cooper stated he is employed by the Montgomery County Health Department; however, he is present as a volunteer for the Human Services Levy Campaign. Mr. Cooper stated he would like Council's endorsement of the Human Services Levy which will be on the ballot this November. Mr. Cooper gave a brief presentation on the levy which provides effective, accountable services for 50,000 people in real need across Montgomery County. Mr. Cooper reported voters previously approved two levies, one will be on the ballot in 2014 and the other levy will be on the ballot in 2018. Mr. Cooper reported the County has worked very hard to control costs and manage the Human Services budget, which has been reduced 16 million dollars since 2011. This has resulted in eliminating 200 jobs and a reduction in services. Mr. Cooper advised the Human Services Levy funds five agencies: the Children's Services Board, Public Health Dayton and Montgomery County, Developmental Disabilities Services, the Alcohol, Drug Addiction and Mental Health Services Board and the Area Agency on Aging for Senior Services. Mr. Cooper presented specific examples of children and adults that have been helped by the Human Services Levy, as well as examples of how we all benefit from the levy. Mr. Cooper advised it is critical to protect these human services and asked for support of a 1 mill increase to the Human Services Levy to protect children from abuse and neglect, diagnose and assist with mental, physical and developmental disabilities, elderly people in need of assistance, and training and education for unemployed and underemployed county residents. Mr. Cooper stated these services are continually evaluated by a local panel made up of a wide range of facets to make sure the services are accountable. Mr. Cooper stated it is critical to pass the levy as roughly 70 million dollars per year will be lost for Human Services if the levy fails. The bottom line for a homeowner and taxpayer to support Issue 11 and renew the current 7.2 mill levy and add 1 mill is roughly \$3.00 a month for a \$100,000 property. Mr. Cooper advised more information on the levy can be found online at www.protecthumanservices.com.

Mayor Seagraves stated he is the Mayors and Managers Representative for the Human Services Levy and the Board that reviews the Human Services Levy truly have their task cut out for them as they must scrutinize each and every dollar that is spent. Mayor Seagraves stated we need to support this levy as it impacts and benefits everyone in the county.

Motion by Garber, second by Kirklin to support and endorse Issue 11, the Human Services Levy, on the November 2014 ballot as it aids and assists residents of the City of Brookville and throughout Montgomery County. All yeas, motion carried.

Mayor Seagraves advised Eric Joo, of the Miller Valentine Group, is present and would like to briefly meet with Council regarding a real estate matter. Mayor Seagraves requested an Executive Session on Real Estate Matter.

Motion by Garber, second by Letner to go into Executive Session on Real Estate Matter as requested by Mayor Seagraves. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Manager Wright reported the Center for Medicare and Medicaid Services recently released The Ambulance Inflation Factor for 2015 and approved a 1.4% rate increase for EMS Service. The City is not limited to a 1.4% fee increase. Manager Wright stated after a review of our EMS transports with Fire Chief Fletcher and Assistant Manager/Finance Director Keaton, it is our recommendation that we increase the mileage 1.4%; the Basic Life Support (BLS), Advanced Life Support 1 (ALS1) and Advanced Life Support 2 (ALS2) by the 1.4% factor and an additional \$25.00 charge. With this increase the BLS rate would go from \$625.19 per transport to \$658.94 per transport; the ALS1 rate would go from \$838.30 per transport to \$875.04 per transport; and the ALS2 rate would go from \$1,073.63 per transport to \$1,113.66 per transport. Manager Wright stated in our review, Staff found our EMS transports over the last year have increased yet our revenue does not reflect this. During the review, Staff also found we billed almost the same dollar amount as we did in the previous 12 months, but the rate of return is down an average of \$40.00 per removal. Manager Wright stated in discussions with McKesson, our EMS billing company, we were informed that Medicaid does not have a history of paying very well and we are finding more of our patients are being covered by Medicaid, 4.6% in 2012 and now we're at 12.9% through August 2014.

Member Duncan asked if every community charges the same amount for ambulance services and if the 1.4% increase is based on that amount?

Fire Chief Fletcher replied not every community charges the same amount but the majority charges the recommended amount or more. Fire Chief Fletcher stated we can always choose to bill less than the recommended amount but he does not know of anyone who does that.

Member Garber asked if the 12.9% of the patients transported under Medicaid are on Medicaid due to Obama Care?

Fire Chief Fletcher responded that correlation could certainly be drawn because more people have aligned themselves with Medicaid as a result of being forced to make decisions under Obama Care.

Member Garber commented that Medicaid does not pay very well.

Fire Chief Fletcher stated our billing company has advised us that Medicaid is historically a poor payer. Fire Chief Fletcher also advised most communities in the area use a soft billing system and sometimes people do not pay when they know the billing will stop without collection after three billing cycles.

Motion by Cantrell, second by Kirklin to adjust the ambulance transportation fees for 2015 by increasing the mileage rate for EMS Service by 1.4%; the Basic Life Support (BLS), Advanced Life Support 1 (ALS1) and Advanced Life Support 2 (ALS2) by the 1.4% factor with an additional \$25.00 charge, making the BLS rate \$658.94 per transport, the ALS1 rate \$875.04 per transport, and the ALS2 rate \$1,113.66 per transport. All yeas, motion carried.

Manager Wright stated during the Special Council Meeting of August 25, 2014 Council was given a large amount of information to digest regarding the finances of the City of Brookville. Manager Wright stated the short version is we need new revenue to address the following issues:

- The construction of a new fire station (to pay debt service on said construction)
- Operations; increase staffing to at least 2007 levels in the Service Department and address attrition at several levels over the next few years.
- Allow for capital improvements to be reimplemented, which have been almost nonexistent the last five (5) years

Manager Wright advised if we had not landed Payless and Provimi in 2007 and 2008, and had we not receipted \$783,143 in inheritance tax in 2011 and 2012, Staff would have talked to Council much sooner about a revenue increase. These two items allowed us to operate without an increase. Manager Wright stated Staff is recommending a 1/4% income tax increase which he feels is justified by simply comparing loss of revenue vs. increased operating budgets over the last few years. Manager Wright stated one quarter of one percent is not a huge increase. Based on a \$50,000 salary, it's an additional \$125 per year or \$10.42 per month for an individual wage earner. Manager Wright stated without some sort of increase, he feels services will begin to suffer in the near future. State law sets a standard filing deadline of 90 days before an election. The deadline for the May 5, 2015 election is February 4, 2015. Manager Wright stated he would appreciate some direction from Council.

Mayor Seagraves reminded everyone the income tax rate has not been raised in 36 years.

Member Cantrell asked Manager Wright if he has spoken with any of our larger employers or the schools about raising the income tax?

Member Garber asked if home insurance covers fire service expenses for a fire response?

Fire Chief Fletcher stated there is a lot of potential money to be acquired through insurance companies for fire service response but the insurance companies are very protective of their bottom line and make it nearly impossible for the Fire Department to get a return for their services for auto accidents. The insurance companies fight tooth and nail to not pay any more for a fire because they do not want to put out any more money. Federal Law authorizes Fire Departments to bill the insurance company if a call involves hazardous material.

Member Duncan commented that health insurance pays for ambulance runs. If we billed for fire service, we would be billing liability or property insurance.

Member Cantrell stated that Manager Wright is asking Council to decide about putting an income tax increase on the ballot. If we decide later to fund our fire services in a different manner, we can decide it at that time. Member Cantrell stated she thinks an income tax increase is the best way to approach our budget deficits and fire house needs.

Member Garber agreed.

Manager Wright pointed out that fire service is not fully funded from fire levy monies. It is also funded with monies from our General Fund.

Motion by Cantrell, second by Garber to direct Staff to prepare an Ordinance to raise the permanent income tax rate by 1/4% and to put it on the May 2015 ballot. All yeas, motion carried.

Manager Wright reported Brookville Student Council has requested Council approval to hold the Brookville High School Football Homecoming Parade on Wednesday, October 8, 2014 at 7:00 p.m. Line-up will begin at 5:45 p.m. on Carr Drive and the parade will proceed down Cusick Avenue to Market Street, to Western Avenue to the school.

Motion by Duncan, second by Kirklin to approve the Brookville High School Football Homecoming Parade on Wednesday, October 8, 2014 at 7:00 p.m. beginning on Carr Drive to Cusick Avenue to Market Street, to Western Avenue to the school. All yeas, motion carried.

Manager Wright reported the annual crack sealing program is almost completed and we are preparing for our Annual Street Repaving Program. We will be repairing or replacing thirteen catch basins, nine of which are in the Terrace Park Plat prior to repaving.

Manager Wright reported all the trees have been trimmed on the Terrace Park Boulevard.

Manager Wright advised the Dayton Metro Library is holding another community forum on the new library on October 1, 2014 at 7:30 p.m.

Member Garber asked how the initial Library community forum went?

Manager Wright reported there were about 25-30 people there who gave a lot of good input. He did not hear anything negative.

Fire Chief Fletcher acknowledged Police Chief Jerome and Police Officer Whiteaker for the excellent job they did on the 9/11 program.

Fire Chief Fletcher reported several Brookville Firefighters will take some of our heavy rescue equipment and participate in the "Be a Reading Hero" event downtown.

Mayor Seagraves commented the 9/11 Presentation was outstanding and commended Police Chief Jerome. Mayor Seagraves stated it was a subtle reminder of how quick things change in life and are out of our control.

Police Chief Jerome advised the program this year was a challenge because it involved the elementary students through grade 3, so it had to be toned down. Police Chief Jerome stated Officer Whiteaker does a great job and the Police Department is lucky to have him. Police Chief Jerome also thanked the Fire Department, elected officials and military that participated in the event. Police Chief Jerome reported the kids sent thank you cards and they really appreciated the program, especially the bagpipes played by retired Fire Chief Jim Nickel.

Police Chief Jerome reported the Brookville Police Department has handled 455 Reportable Incidents year-to-date, compared to 485 during this same time period last year. Citations are up 24 for a total of 404 Citations year-to-date. The Brookville Police Department made 242 traffic stops during the month of August, which is an increase of 71 traffic stops over this same time period last year.

Police Chief Jerome demonstrated a marker with ink that is invisible to the naked eye, but shows under fluorescent light. Pawn shops are now using fluorescent lights to check property brought in to pawn, to see if it has been marked with one of these special markers. Dr. John Rhodes, D.D.S. of Brookville has purchased 100 of the markers for the Police Department to hand out to citizens on a first come first serve basis. Police Chief Jerome reported the markers have been successful in returning some property in the City of Dayton. Police Chief Jerome reported we are also connected to LEADS online, which connects us with every pawn shop in the country. The program has been successful in solving burglaries quickly.

Police Chief Jerome reported the WASP female self-defense class is scheduled for this Saturday from 9 a.m. until 5 p.m. and there are still openings if anyone would like to attend.

Police Chief Jerome reminded everyone that the Adamis Board is the drug free coalition for Montgomery County and are huge supporters of the Human Services Levy and the Police in their fight against the heroin epidemic.

Police Chief Jerome reported Police Officer Mark Miller, who has been a leading officer in drug related arrests, has moved to the day shift and has already made a heroin arrest.

Police Chief Jerome reported the Police Department is the recipient of the use of a license plate reader for a one year period. The reader, which will be installed on the trunk of one of our Police cruisers, will read the license of every car that goes by while the cruiser is stationary. The license plate number will be run through L.E.A.D.S which will alert Officers if the vehicle is entered as stolen, wanted for an AMBER alert or other type of crime.

Law Director Stephan requested an Executive Session on a Personnel Matter and a Real Estate Matter.

Assistant Manager/Finance Director/Clerk Keaton requested authorization to adopt proposed Resolution No. 14-21, which accepts the amounts and rates as determined by the Montgomery County Budget Commission. The adoption of this Resolution is a formal approval of the rates and yields for the inside millage for the City. This authorization is required by the County Auditor in order to collect the City's real property tax. Assistant Manager/Finance Director/Clerk Keaton stated the reason for this to be adopted in an emergency manner is to insure the timely return to the Montgomery County Auditor's office.

Motion by Cantrell, second by Garber to read proposed Resolution No. 14-21. All yeas, motion carried.

Motion by Cantrell, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 14-21 entitled "A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant Manager/Finance Director/Clerk Keaton reported our Community Development Block Grant (CDBG) application has been approved by Montgomery County. The project will include the replacement/construction of approximately 50 existing sidewalk ramps currently not in compliance with ADA standards. The number of ramps that we install will depend on the construction bids that we receive and whether the entire curb ramp needs to be replaced. Assistant Manager/Finance Director/Clerk Keaton reported the project will concentrate on the perimeter of the City followed by the neighborhood between S. Wolf Creek Street and E. Westbrook Road, which includes the downtown business district. The grant is in the amount of \$40,000 with the City matching that amount.

Assistant Manager/Finance Director/Clerk Keaton presented the Fall Newsletter which features a pull-out flyer regarding our recycling program and stated it will be mailed out on September 17, 2014. Assistant Manager/Finance Director/Clerk Keaton thanked Deputy Clerk Duncan for diligently working on the newsletter and getting it ready to go out for fall.

Mayor Seagraves thanked Police Chief Jerome and participants for the wonderful 9/11 presentation.

Mayor Seagraves announced Planning Commission will not meet this month due to lack of items for an agenda.

Member Cantrell reminded everyone of the Breast Cancer Walk on September 27, 2014 which begins at 9:05 a.m.

Member Kirklin stated there will be a giant pink Ernst Concrete truck at the Walk.

Mayor Seagraves commented that Member Kirklin is in the current production at the Brookville Community Theatre and encouraged everyone to attend.

Motion by Duncan, second by Garber to read proposed Ordinance No. 2014-07. All yeas, motion carried.

Motion by Garber, second by Cantrell to accept the third reading and adopt Ordinance No. 2014-07 entitled "AN ORDINANCE ESTABLISHING REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES IN THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Motion by Garber, second by Apgar to read proposed Ordinance No. 2014-08. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the third reading and adopt Ordinance No. 2014-08 entitled "AN ORDINANCE REZONING LOT 2345 OF THE REVISED AND CONSECUTIVE NUMBERS OF LOTS OF THE CITY OF BROOKVILLE, OHIO FROM ITS PRESENT CLASSIFICATIONS OF R-1C, URBAN RESIDENTIAL DISTRICT, AND I-1, LIGHT INDUSTRIAL DISTRICT, TO THE NEW CLASSIFICATION OF R-1B, URBAN RESIDENTIAL DISTRICT." All yeas, motion carried.

Member Cantrell commented she has reviewed the information provided by Staff regarding Council pay and benefits in other communities and stated she feels an increase in Council pay may be warranted due to rising cost and expenses as well as longer meetings. It also may be an incentive for others to run for Council. Member Cantrell asked Staff for more information on Council pay and how long the current rate has been in force. Member Cantrell stated she is aware Council pay can only be changed in odd years, but Council could go ahead and start to review the information.

Member Garber agreed.

Assistant Manager/Finance Director/Clerk Keaton stated she will gather the requested information for Council review.

Member Letner requested to be excused from the October 7, 2014 Council Meeting.

Member Garber also requested to be excused from the October 7, 2014 Council Meeting.

Mayor Seagraves asked the remaining Council Members if they will be at the October 7, 2014 Council Meeting. Members Apgar, Duncan, and Kirklin indicated they would be present and Member Cantrell stated she is not sure. Mayor Seagraves stated he will be present and four Council Members makes a quorum.

Member Garber commented that DP&L has some incentives on motors that may apply to the Wastewater Treatment Plant and they are offering a Site Certification Seminar on regional Economic Development at Sinclair College on October 8, 2014.

Manager Wright replied staff has registered for this seminar.

Motion by Duncan, second by Garber to go into Executive Session on a Personnel Matter and a Real Estate Matter as requested by Law Director Stephen.

Mayor Seagraves called Council back into Regular Session.

Law Director Stephan requested Council approval for the purchase of the property at 17 Jefferson Street for the sum of \$5,000.

Motion by Garber, seconded by Apgar to authorize Manager Wright to enter into a Purchase Agreement for the property at 17 Jefferson Street for the sum of \$5,000. All yeas, motion carried.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor