

BROOKVILLE CITY COUNCIL
REGULAR MEETING
September 15, 2015

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on September 15, 2015 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Kirklin and Letner; Manager Burkholder, Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan and Assistant Manager/Finance Director/Clerk Keaton were present.

Motion by Duncan, second by Apgar to accept the Agenda with a correction. All yeas, motion carried.

Motion by Apgar, second by Kirklin to accept the September 1, 2015 Regular Meeting Minutes as presented. All yeas, motion carried.

Emma, Swabb, representing Brookville High School, requested Council approval to hold the Brookville High School Football Homecoming Parade on Wednesday, September 23, 2015 at 6:30 p.m. Line-up will be on Carr Drive and the parade will proceed down Cusick Avenue to Market Street to Western Avenue to the school.

Motion by Kirklin, second Apgar to approve the Brookville High School Football Homecoming Parade on Wednesday, September 23, 2015 at 6:30 p.m. beginning on Carr Drive to Cusick Avenue to Market Street to Western Avenue to the school. All yeas, motion carried.

Dan Risko, Deputy Director of Regional Representatives at the State Treasurer's office, stated he is here to present OhioCheckbook.com, along with Brian Chaney, of OpenGov.com, who is present via teleconference. Mr. Risko stated one year ago, the State of Ohio was ranked 46th in the country for transparency. State Treasurer Josh Mandel recognized that and initiated the OhioCheckbook.com program, which posts the State's expenditures online. Within one year the State of Ohio had eight years of financial data online in a format that citizens can access and understand; and was awarded the top ranking in the Country in transparency. Mr. Risko reported the Treasurer's office has partnered technologically with OpenGov.com to do the transparency initiative in Ohio under the log OhioCheckbook.com. Mr. Risko gave a presentation of the OhioCheckbook.com proposal for the City of Brookville. Mr. Risko stated this is a powerful tool for Council, the Mayor and citizens to be involved in the government process.

Mayor Seagraves asked who would be responsible for loading our information onto the website?

Mr. Risko replied whomever the City designates to oversee the information, which would most likely be Assistant Manager/Finance Director Keaton.

Mayor Seagraves inquired how often the information is updated?

Mr. Risko replied the State uploads their information monthly, but it depends upon the entity's preference.

Member Letner inquired if this will be tied in with the Auditor's office and our annual audit and if the Auditor can reflect on the information that is posted online?

Mr. Risko replied the audit would not reflect on it but the State Auditor is very supportive of the program.

Member Apgar inquired whether this is purely for expenditures.

Mr. Risko replied that is correct, posting the expense side is part of this OhioCheckbook.com partnership. Mr. Chaney will present the revenue side of the OpenGov.com program, which is available at an additional cost.

Member Duncan commented that when citizens review the expenses they will want to know where the revenue is coming from.

Mr. Risko stated salary data can be posted online separately on the Treasurer's website.

Member Garber asked to see the terms of service?

Mr. Risko provided a copy of the terms of service, stating that the OhioCheckbook.com technology partners will begin building the website after we submit the basic three page intake forms.

Mr. Risko showed a map of the entities within the State of Ohio that are committed to the program.

Member Garber inquired if Mr. Risko would name some of the entities in Montgomery County who are using the OhioCheckbook.com system?

Mr. Risko stated Dayton Public Schools and Montgomery County are on the OhioCheckbook.com system. The OhioCheckbook.com system is free to all entities and paid for by the State.

Member Garber stated he can see where this would give residents confidence that we are spending the City's money wisely. Member Garber wondered if it will be a burden to our staff to enter this information or if it will be helpful?

Assistant Manager/Finance Director Keaton stated she thinks it will be helpful.

Mr. Risko commented that OhioCheckbook.com allows you to visualize the raw data that you are looking at which is a very powerful thing in this day and age.

Member Cantrell asked if all the historical data would be uploaded from our current software system?

Mr. Risko stated that is correct and pointed out that all of the information can be downloaded and/or shared on social media.

Mr. Chaney gave a webinar presentation, using the City of Fairborn, who just released their full OpenGov.com platform today as an example. Mr. Chaney stated the OpenGov.com program is a higher level than OhioCheckbook.com and is custom built to each entity's financial structure. It includes as much information as far back historically as each entity wants. Mr. Chaney stated the program is very interactive and easy to work with, and is very similar to the OhioCheckbook.com. It is not just about expenses but is a full mapping of the revenue system also. Mr. Chaney stated the information is all exportable to budget documents and can be used for internal reporting as well. Public or sensitive information can be private and only available to a select few that you invite.

Mayor Duncan inquired about the cost of the program?

Mr. Chaney replied OpenGov.com has a partnership with the Treasurer's office and offers special pricing to all government entities within the State of Ohio. The cost is a flat annual rate of \$4,000 per year. Mr. Chaney advised there is typically an implementation fee of a couple thousand dollars but that is being waived as part of the partnership as well.

Mayor Seagraves thanked Mr. Chaney and Mr. Risko for their presentations and stated Council will review the information provided.

Cecilia Ewers, of the Brookville Chamber of Commerce, stated the Chamber has been approached by a number of people to spearhead a fundraising event to help the families of the teens that were involved in the recent automobile accident in Perry Township. The Chamber would like to hold a benefit concert October 17, 2015 at the AmVets. The bands will be organized by Travis Williams, and will feature the Backwoods Band and numerous

other bands throughout the day. The Chamber is proposing there is a team of five entities that oversee the funds raised; consisting of the City, Police, Fire, School and Chamber.

Mayor Seagraves inquired how much has been raised so far.

Mrs. Ewers replied that initial funeral expenses for Emily King have been covered.

Member Duncan asked about having alcohol at the event?

Mrs. Ewers stated to her knowledge the event will be outside of AmVets and there will not be any alcohol outside.

Member Kirklin asked where on the AmVets property the event will be held and asked for the Police Chief's comments on the event?

Police Chief Jerome stated AmVets owns about two acres on the other side of their building with a shelter. Police Chief Jerome stated he also had concerns about alcohol as this is a family event. AmVets liquor license allows them to have alcohol in the rear and in the side yard. Police Chief Jerome stated he has suggested they have a beer garden with snow fence set in the rear only. John Childers and John Meeks have both assured him that the event will be monitored and there will be porta-jons set up so that youth do not have to enter the AmVets building. They can have an event without Council approval. However, they do need Council approval to by-pass the noise ordinance that we could have an issue with as there will be bands playing for 10 hours. Police Chief Jerome stated he would like Council authorization to shut the street down if it is needed.

Mayor Seagraves inquired how do we handle the fact it will be dark during the event?

Police Chief Jerome stated they will have to have artificial lighting.

Member Kirklin inquired what the deciding factor was to hold the event at AmVets?

Mrs. Ewers replied that Park Board decided the potential for the amount of noise from the bands might disrupt events at the park that day.

Member Apgar stated there are weddings in the park on that day.

Assistant Manager/Finance Director Keaton stated Shelter #3 is rented for a wedding reception on that date.

Member Kirklin stated that it seems like some of the concern regarding holding the event at AmVets is that they serve alcohol. Member Kirklin asked if we have a general idea of how many people will be there at any given time?

Mrs. Ewers stated they really have no way to judge that.

Member Kirklin suggested using the building across the street as the location as an alternative solution.

Mrs. Ewers stated the Chamber Vice President John Meeks suggested AmVets, and one of the teens' families is also a veteran family.

Police Chief Jerome stated he thinks the event is doable, but everyone needs to plan together to ensure there is a zone for alcohol, adequate restroom facilities and lighting.

Member Duncan commented he does have a concern if Council sanctions the event and an alcohol related accident occurs.

Member Cantrell asked about the legal ramifications of the City being on the board suggested by Mrs. Ewers.

Law Director Stephan stated the City would potentially have some liability if we are a sponsor of the event. Law Director Stephan also commented that if all the monies collected are going to the Chamber then they are responsible for charitable reporting and tax issues related to that. If the monies come into us, then we would be responsible for that. The big issue is that as a sponsor we have some potential liability.

Mrs. Ewers commented that the liquor license belongs to AmVets and if they want to serve alcohol on their property that is separate from what the Chamber is hosting with the bands.

Law Director Stephan stated that is where we are getting into either it is all done inside the building or we could have a beer garden where people can get their hand stamped to get in and out.

Police Chief Jerome commented that Council could sanction the music for that period of time and the Police can provide support and block the road if necessary.

Member Cantrell stated Council should not accept or disseminate funds.

Mrs. Ewers stated this is not to be a Chamber event. This group of bands and others approached the Chamber to assist them. The Chamber is not asking the City to sponsor the event, but to have a representative to help oversee the money.

Mayor Seagraves commented he thinks it is a smart move to stay free and clear of getting involved in the event. Mayor Seagraves stated that AmVets hosts car shows on a regular basis, which are well run and there is never an issue with alcohol outside.

Member Letner asked if there is a decibel level in our noise ordinance.

Law Director Stephan stated there is no set decibel level. The noise ordinance refers to playing radios and phonographs and is more geared to neighbors and not special events. Law Director Stephan suggested Council set a time frame so that it can be shut down at a reasonable time.

Mayor Seagraves asked Mrs. Ewers if ending the event at 9:00 p.m. would be more reasonable?

Mrs. Ewers stated she just heard of holding the event at AmVets yesterday afternoon.

Police Chief Jerome stated he knows that some, not all, of the neighbors have been notified and those contacted think it is a great idea.

Member Cantrell stated if it ends at 9:00 p.m. it will be dark and people will probably be ready for it to be done at that time.

Member Apgar inquired if our current noise ordinance gives an ending time of 10:00 p.m.

Police Chief Jerome stated he thought that too but there is no time on our noise ordinance. Police Chief Jerome stated he thinks the event is for a good cause, and that for safety reasons the police should block the road. AmVets Commander John Childers has assured him he will have people monitoring the alcohol and the area and he thinks they will police it well.

Motion by Apgar, second by Cantrell to designate a Special Event to be held at AmVets, located at 715 Market Street on October 17, 2015 from noon until 10:00 p.m. All yeas, motion carried.

Mr. Wayne Ward, of 951 Calmer Ernst, commented with the problems at the Fair the past two years, do we really want the Fair here in Brookville?

Member Duncan agreed.

Member Garber asked if he heard that right?

Mayor Seagraves stated he does not think we have the Fairgrounds committed as they are \$3.5 million short that we know of.

Jim Hoffman, of Clay Township, commented people should not believe everything they read in the newspaper or on television. Basically, all that happened was a few girls got into a fight in the restroom and then a couple boys got into it as well. The Police removed these individuals from the fairgrounds. The whole story was based on what a girl said she heard happened. The Montgomery County Sheriff's Department has a big presence on the fairgrounds and will continue that if the fair moves to Brookville.

Member Cantrell suggested that everyone call it the Montgomery County Agricultural and Event Center, which is what it will be called if it comes to Brookville. It will offer educational services, extension services and other event services.

Mayor Seagraves stated the president of the agricultural group has no intention of interfering with the Community Picnic and the bulk of the fair will be agricultural.

Manager Burkholder reported he is a big supporter of OpenGov.com and stated he would like to see us consider this and move forward with it. It not only brings transparency but will help internally by allowing our Department Heads and Council to see exactly where we are.

Manager Burkholder reported the budget process has started and Department Heads are submitting their capital improvements lists for 2016. Manager Burkholder stated he would like to hold a work session with a draft 2016 budget sometime in November so that Council will have plenty of time to look it over.

Manager Burkholder reported he has visited several businesses with the Mayor, is involved in ongoing activities and attended the Business Retention and Expansion Seminar and the Ohio Freight Conference, which was great networking and also opens up a lot of economic development ideas. Manager Burkholder reported next week he will be attending the International City/County Management Association Conference.

Manager Burkholder reported there are quite a few projects going on with grant monies secured by Assistant Manager/Finance Director Keaton such as the handicap ramp replacement and Permissive Tax being used for repaving. Planning Commission has been brought back into involvement with various types of things such as the Transportation Improvement Plan, a capital improvements plan for the Wastewater Treatment Plant, and the Arlington Road bridge replacement program.

Manager Burkholder reported we have begun renovations on the property on Foothill Drive under the Land Bank project. Any surplus funds after the home is rehabbed and sold will go toward rehabbing other foreclosed homes.

Manager Burkholder reported Zoning Officer Snedeker is working on zoning violations on a major project to abate an abandoned vehicle and that should be taken care of next month.

Mayor Seagraves stated the contractors are doing a great job replacing the ADA ramps. Mayor Seagraves stated he was reminded today why Maple Street has parking on one side as many homes were having improvements done and it was hard to get down the street with so many contractors on the street.

Member Garber asked if the contractors are putting tape around the ADA ramps while they are under construction for liability reasons?

Manager Burkholder replied they are and Zoning Officer Snedeker has been inspecting them.

Mayor Seagraves reminded everyone that they will be grinding this week for our repaving project and while it is a minor inconvenience the outcome will be nice looking streets.

Member Garber inquired if we would be able to help design the Arlington Road overpass to include our name or other decorative elements.

Mayor Seagraves advised we will be working with ODOT to customize our signage.

Member Letner asked if we can customize our lighting as well?

Mayor Seagraves stated lighting is available but there are guidelines that restrict it because of the highway. Decorative or upgraded lighting is something the City will have to fund.

Mayor Seagraves stated Planning Commission will meet with the design team and get back with Council regarding their recommendations.

Member Garber requested an update on Project Albert.

Assistant Manager/Finance Director Keaton advised the new owners have applied for an electrical permit, and have been awarded a \$15,000 grant from DP&L.

Member Apgar commented the exterior of the building and the mowing is not being kept up.

Manager Burkholder advised he will look into it.

Mayor Seagraves stated the inside of the building is overwhelming. The whole project is a major undertaking.

Member Garber asked about the final report and tour of the Wastewater Treatment Plant Project.

Mayor Seagraves stated they are still completing the punch list.

Assistant Manager/Finance Director Keaton stated there are two inspections coming up this week and OPWC wants the project completed soon.

Manager Burkholder stated he has been very direct with Ed Brown at Hazen and Sawyer in an attempt to resolve the issues and get the punch list completed as soon as possible.

Assistant Manager/Finance Director Keaton requested Council authorization to adopt proposed Resolution No. 15-10, which accepts the amounts and rates as determined by the Montgomery County Budget Commission. Assistant Manager/Finance Director Keaton stated 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. The reason for this to be adopted in an emergency manner is to insure the timely return to the Montgomery County Auditor's Office. Council also has a copy of our estimated Local Government Fund distribution for 2016.

Motion by Cantrell, second by Apgar to read proposed Resolution No. 15-10. All yeas, motion carried.

Motion by Duncan, second by Cantrell to accept the first reading, dispense with the second and third reading and adopt Resolution No. 15-10 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 Keaton requested Council adopt proposed Resolution No. 15-11, which amends our 2015 Estimated Resources and Appropriations.

Motion by Cantrell, second by Apgar to read proposed Resolution No. 15-11. All yeas, motion carried.

Motion by Apgar, second by Duncan to accept the first reading, dispense with the second and third reading and adopt Resolution No. 15-11 entitled "A RESOLUTION AMENDING THE 2015 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE, AND SECTION 12.35 OF THE

OHIO ADMINISTRATIVE CODE AND APPROVING THE AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW, AND DECLARING IT AN EMERGENCY.” All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval to transfer \$10,000 into the Park Fund and \$2,000 into the Land Reutilization Fund as appropriated.

Motion by Apgar, second by Kirklin to transfer \$10,000 into the Park Fund and \$2,000 into the Land Reutilization Fund as appropriated. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval to issue a check to Lexipol in the amount of \$6,948 for policy manual updates and editing for our Police and Fire Departments. The Ohio Plan will reimburse the City 30% of the total cost, or \$2,084.40.

Motion by Duncan, second by Cantrell to authorize a payment to Lexipol in the amount of \$6,948 for Police and Fire Department policy manual updates. All yeas, motion carried.

Assistant Manager/Finance Director Keaton reported the new Playset, rubber curbs and mulch have been installed at Golden Gate Park between Diamonds #1 and #5. This purchase was made possible with a Montgomery County Solid Waste Recycling Incentive Grant in the amount of \$22,914. Assistant Manager/Finance Director Keaton reported that 24,240 milk jugs and 1,734 tires were recycled during the manufacturing of this playset, curbs and mulch.

Member Garber inquired about the purchase of a Physio-Control Lifepak 15 Cardiac Monitor-Defibrillator from Ohio DAS?

Fire Chief Fletcher commented this cardiac monitor will replace our Lifepak Model 12 which is approaching end of life. Fire Chief Fletcher advised we will purchase one this year and one next year. The cost of one unit is \$30,329.75 with an additional annual fee of \$1,428 to add this unit to our service contract. Fire Chief Fletcher reported he has been unsuccessful in his 2013 and 2014 attempts to secure FEMA grant funds for this equipment.

Motion by Cantrell, second by Letner to authorize the purchase of a Physio-Control Lifepak 15 Cardiac Monitor-Defibrillator from Ohio DAS in the amount of \$30,329.75. All yeas, motion carried.

Fire Chief Fletcher commented on the Planning Commission discussion regarding the structural condition of some of the buildings on Market Street, confirming there is reason to have concerns about the condition of some of the buildings. Fire Chief Fletcher reported that some of the unoccupied Market Street buildings are sometimes used as barns to store combustible materials, which is a large fire hazard.

Member Garber asked if we could have a structural engineer inspect some of the buildings?

Fire Chief Fletcher stated whenever there is a change of use the building has to be brought up to current code before a Certificate of Occupancy is issued. Fire Chief Fletcher stated there must be clear cut imminent danger to the citizens before the Fire Department could step in, and even then they are not trained as structural engineers. Fire Chief Fletcher stated National Inspection Corporation (NIC) is called in for any structural questions.

Police Chief Jerome reported the Brookville Police Department handled 433 Reportable Incidents year-to-date, compared to 459 at this same time last year. Citations are down 32 from this same time last year for a total of 371 Citations year-to-date. Police Chief Jerome reported the Brookville Police Department made 139 Traffic Stops during the month of August, compared to 242 Traffic Stops during the same time period last year.

Police Chief Jerome reported the 9-11 Ceremony went well and the Police Department is now planning the Ghostly Night Out, Veterans Day Lunch and then the Toys for Tots campaign. Police Chief Jerome reported the Officers have been doing quite a few walk throughs at the schools and the students are very receptive.

Mayor Seagraves commented the 9-11 Service was fantastic and hats off to Police Chief Jerome and the staff for a great program.

Law Director Stephan had no report.

Mayor Seagraves commented the ground breaking was held for the new library and it was well attended. The new library hopes to open in the summer of 2016. Mayor Seagraves stated the existing library facility will be available for a new business and the Library Director is available to begin discussions on that.

Mayor Seagraves reported the clock dedication for former City Manager John Wright went well and had a good turnout.

Mayor Seagraves announced there will be a Planning Commission Meeting on September 17, 2015 at 7:30 p.m.

Motion by Cantrell, second by Apgar to read proposed Ordinance No. 2015-03. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the third reading and adopt Ordinance No. 2015-03 entitled "AN ORDINANCE ESTABLISHING A DEPARTMENT OF PUBLIC SERVICE AND A DIRECTOR OF PUBLIC SERVICE." All yeas, motion carried.

In Old Business, Member Garber commented the Historical Society's research library needs a paint job.

Mayor Seagraves replied he will have Staff look into it.

In New Business, Manager Burkholder requested an Executive Session on Ohio Revised Code 121.22 G (1) regarding personnel and 121.22 G (6) regarding security for a public body or public office.

Member Garber inquired about holding a Work Session to set some goals and priorities for strategic planning for the City of Brookville. Discussion followed.

The consensus is to tentatively schedule a Work Session for October 27, 2015 from 6:00 p.m. until 9:00 p.m.

Manager Burkholder requested an Executive Session on Ohio Revised Code 121.22 G (1) regarding personnel and 121.22 G (6) regarding security arrangements for a public body or public office.

Motion by Duncan, second by Garber to go into Executive Session on Ohio Revised Code 121.22 G (1) regarding personnel and 121.22 G (6) regarding security arrangements for a public body or public office as requested by Manager Burkholder. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor