

BROOKVILLE CITY COUNCIL
REGULAR MEETING
October 6, 2015

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on October 6, 2015 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan and Garber; Manager Burkholder, Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan and Assistant Manager/Finance Director/Clerk Keaton were present. Members Kirklin and Letner were absent.

Assistant Manager/Finance Director Keaton reported there is an addition to the agenda for proposed Resolution No. 15-12 which authorizes the City Manager to submit an application through the Miami Valley Regional Planning Commission.

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

Motion by Apgar, second by Cantrell to accept the September 15, 2015 Regular Meeting Minutes as presented. All yeas, motion carried.

Ron Ullery, of 560 W. Westbrook Road, stated the asphalt resurfacing of the Golden Gate Park exit looks great and the ADA curb ramps around town look very good.

Mayor Seagraves commented we have had a lot of positive feedback on the ADA curb ramps. The contractor completing the work has done a tremendous job. Mayor Seagraves reported we upgraded the asphalt for the Arlington Road resurfacing and it is now a showplace.

Manager Burkholder reported he recently attended the International City/County Management Association (ICMA) Meeting in Seattle, Washington which was very productive and included managers from all over the country, as well as international attendees. Manager Burkholder advised he received a lot of good information from the meeting, some of which he will be implementing into our operations, as well as visioning and strategic planning techniques that he will try to fold in to assist Council as we move forward.

Manager Burkholder reported he also attended another OpenGov.com session and requested Council make a motion to move forward with Phase I, which is the OpenCheckbook Program. There is no cost to the City to move forward with this Phase and it will allow us to be transparent with the community and citizens. Manager Burkholder stated Phase 2 is regarding internal accounting and its transparency which we can move forward with at a later date.

Manager Burkholder advised the Service Department is making a smooth transition after Superintendent Ron Brandt's retirement and he has received positive feedback from the Service Department on several things we need to address between now and the end of the year.

Manager Burkholder presented a recap of the sessions he attended at the ICMA Conference, stating he attended as many organizational and finance sessions as possible. He will go into more detail on some of the financial recommendations and policies that could be beneficial to the City as needed.

Manager Burkholder reported proposed Resolution No. 15-12 allows us to apply for funding under the Service Transportation Program, which has \$3 million available under the resurfacing portion of the program, which will be dispersed next summer. Manager Burkholder advised he is requesting to pass this as an emergency as the application deadline is October 8, 2015.

Member Garber inquired whether we have ever applied for grant monies through MVRPC before and if there is extra bureaucracy to do so?

Assistant Manager/Finance Director Keaton replied in 2009 we used funds acquired through MVRPC to repave Wolf Creek Street from Western Avenue to McMaken Lane.

Mayor Seagraves commented everyone in the region is going to put in for these funds so we may as well do the same.

Motion by Duncan, second by Cantrell to read proposed Resolution No. 15-12. All yeas, motion carried.

Motion by Duncan, second by Cantrell to accept the first reading, dispense with the second and third reading and accept Resolution No. 15-12 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT APPLICATIONS FOR FEDERAL MAP-21 FUNDS THROUGH THE MIAMI VALLEY REGIONAL PLANNING COMMISSION, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Member Cantrell asked Manager Burkholder whether there were any local people at the ICMA Conference that he was able to establish contacts with?

Manager Burkholder stated he met Eric Keck, who grew up in the area and went to Northmont Schools, and now works out west. Manager Burkholder stated he also met the new City Manager of Cincinnati, and some of his colleagues from central Ohio were present as well.

Member Cantrell commented that it seems Ohio was fairly well represented.

Member Garber asked for an update on the Wastewater Treatment Plant punch list and inquired about holding an open house at the Wastewater Treatment Plant?

Manager Burkholder replied there is still a list of electrical items on the punch list and the enclosure is not completed. Manager Burkholder advised that Ed Brown is out of the office for several weeks and we are working with another representative from Hazen and Sawyer. Manager Burkholder stated he has advised Hazen and Sawyer that we cannot continue to drag this out because of our application with Ohio Public Works. Manager Burkholder stated he has discussed an open house with our treatment plant operators and determined it would be best to wait until spring when all of the painting is done and the grass comes in. Manager Burkholder stated we will not release final payments until the work is completed.

Member Garber asked if there is any progress on Project Albert as DP&L is withholding disbursement of grant funds for the project until they are sure it is moving forward.

Assistant Manager/Finance Director Keaton replied Ace Torwel is working on the roof and the exterior of the building. They recently hired a new site manager to oversee the project.

Member Garber inquired about the Land Bank project on Foothill Drive?

Manager Burkholder reported the roof is done and the windows and doors should be installed this week. Manager Burkholder stated we are getting bids on the concrete, drywall and electrical. We will be installing a new garage door and need to take down some trees in the back yard. DP&L was very prompt in giving us a quote to bury the electric lines.

Assistant Manager/Finance Director Keaton presented the September 30, 2015 Fund Balance and 3rd Quarter Detail Trial Balance Report for Council review and approval.

Motion by Apgar, second by Cantrell to accept the September 30, 2015 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton advised we received notification from the Ohio Division of Liquor control for new D1 and D2 liquor permits for Keowee Fuel Services, LLC, dba Om Oil Brookville, located at 450 Wolf Creek Street. Council has the authority to request or waive a hearing on the advisability of issuing these two permits. Assistant Manager Keaton advised she met with Chief Jerome on this new liquor permit request and he

does not have any concerns. Assistant Manager/Finance Director Keaton inquired whether Council would like to request a hearing or not request a hearing on these new permits?

Member Duncan asked what the difference is between a D1 and D2 liquor permit?

Assistant Manager/Finance Director Keaton replied a D1 permit is beer only for on premise consumption or in original, sealed containers for carry-out only until 1:00 a.m. and the D2 is for wine and mixed beverages for on premise consumption or in original sealed containers for carry-out only until 1:00 a.m.

Member Duncan stated he has a problem with consumption on the property. The building is so small, does this mean they can drink in the parking lot?

Assistant Manager/Finance Director Keaton stated most of our retailers have C1 and C2 permits, however we are only permitted six of these permits in Brookville and those are all taken. That is why they are applying for a D1 and D2 permit.

Member Cantrell commented we are taking away livelihood from existing businesses in our community by allowing this permit to be issued. Some of these businesses are major participants in our community, such as McMakens, and she is not sure this is the best location for another carry-out. It is difficult to get in and out of this business and she is not in favor of this.

Member Duncan commented that he has a problem with consumption on the property.

Law Director Stephan commented that Om Oil has been in contact with our Zoning Officer about an addition to that building containing food and beverages. To his knowledge there are no plans submitted to date.

Member Garber commented that Speedway sells beer and wine.

Member Duncan stated that Speedway's C permit does not allow consumption on the property.

Member Cantrell observed Om Oil is applying for the D permit because there are no C permits available. Member Cantrell asked if the number of liquor permits permitted by the State is based upon population?

Assistant Manager/Finance Director Keaton replied that is correct. Assistant Manager/Finance Director Keaton went over the number of D1 through D5 permits that are allowed and how many are taken.

Member Cantrell stated if a restaurant opened in town and they wanted to offer beer and wine for consumption, they could not because this permit would have already been issued to someone else.

Assistant Manager/Finance Director Keaton advised if a restaurant would come in they could apply for one of two available D3 permits.

Member Garber commented he thinks Council should not issue Om Oil a D permit at this time and allow them a C permit when one becomes available.

Member Apgar asked if there is time limit that Council needs to respond by?

Assistant Manager/Finance Director Keaton replied Council needs to respond by October 23, 2015.

Mayor Seagraves observed the problem is that the State is involved in the liquor permitting process and Council has to have a legitimate reason to deny a permit.

Member Cantrell asked what the area is zoned for?

Law Director Stephan replied it is zoned for General Business.

Police Chief Jerome stated his understanding is that the notification is not to determine whether or not Council approves issuing this permit but whether they want to request a hearing.

Manager Burkholder stated he is familiar with the process and attending the hearing would give Council a chance to express their concerns.

Member Cantrell asked how much space there is to add to the building and for parking?

Law Director Stephan replied he has only seen preliminary plans, and they have not submitted a final plan for the building expansion and parking.

Police Chief Jerome commented if Council would like to see what it looks like; it should be almost identical to the one by Randolph Plaza on Route 48. Police Chief Jerome commented he is not keen on the idea of them being able to consume alcohol on the property.

Law Director Stephan stated the City would have control over on-sight consumption with our zoning because it is essentially a different use. He does understand the Police Chief's concern because of the literal language of the permit. Law Director Stephan stated if Council has concerns about this permit they should request a hearing.

Motion by Cantrell, second by Duncan to request a hearing on the advisability of issuing the D1 and D2 permit for Keowee Fuel Services, LLC, dba Om Oil Brookville, located at 450 Wolf Creek Street and request that the hearing be held in our County Seat. All yeas, motion carried.

Assistant Manager/Finance Director Keaton advised in 2014, our ADA Curb Ramp CDBG application was approved for \$80,000. The bid specs were prepared for the installation of 49 ramps in 2015, however, the quote for the project came in at \$860 per ramp, which is much lower than anticipated. The contractor completed the installation of the 49 curb ramps within two weeks. We met with the contractor and they were able to install an additional 35 curb ramps, which created a Change Order to our original Contract. Assistant Manager/Finance Director Keaton requested Council approve Change Order #1 for the installation of 35 additional curb ramps at a net increase of \$30,100 for a total contract price of \$72,240.

Motion by Cantrell, second by Apgar to approve Change Order #1 on our 2015 Sidewalk Ramp Improvements Project for the installation of 35 additional curb ramps at a net increase of \$30,100 for a total contract price of \$72,240. All yeas, motion carried.

Assistant Manager/Finance Director Keaton stated the Work Session tentatively scheduled for October 27, 2015 at 6:00 p.m. has been rescheduled for Wednesday, October 28, 2015 at 6:00 p.m. Council will be discussing strategic planning for the City's future at this Work Session.

Mayor Seagraves commented that this Work Session is not a budget hearing; it is one of several strategic planning meetings we will hold throughout the year.

Motion by Cantrell, second by Apgar to authorize Manager Burkholder to enter into an Agreement with the Ohio Treasurers Office for the OpenCheckbook Program. All yeas, motion carried.

Fire Chief Fletcher reported the Brookville Fire Department responded to a record number of calls in September, with the Department responding to 145 EMS and 31 Fire Incidents during September, which is an increase of 52 Incidents over September of 2014, an overall increase of 29%. The Brookville Fire Department has responded to 1117 EMS and 250 Fire incidents to date, for a total of 1,367 incidents for the year in 2015. This equals an increase of 113 Incidents or 8.3% over this same time last year. Fire Chief Fletcher reported the Brookville Fire Department had one dollar loss Incident this month, which was a vehicle fire on Interstate 70 that caused an estimated \$20,500 in damage. The Brookville Fire Department also assisted our neighbors on 7 EMS and 4 Fire Incidents in September. To date the

Brookville Fire Department has provided mutual aid for 45 EMS and 29 Fire incidents in 2015.

Fire Chief Fletcher reported the Brookville Fire Department is making preparations for Fire Prevention Week in the Brookville Schools, October 5 through October 8. During this time students from preschool age through the fourth grade will attend programs that work to teach children what to do in an emergency, how to call 9-1-1 and crawl under smoke, and what makes a firefighter's protective clothing special. Fire Chief Fletcher reported Fire personnel will address almost 1,000 children and adults with fire safety messages.

Mayor Seagraves commented the Fire Prevention Parade went well despite the weather.

Fire Chief Fletcher responded the parade was well supported by the community and he appreciates that greatly. As usual the barbeque chicken dinners sold out. Fire Chief Fletcher commented the Fire Department is considering scheduling the parade on a weekday evening next year to allow more of our target community to attend and allow for a rain date if necessary. Fire Chief Fletcher commented we are competing with more communities and events than in years past, by holding the parade on a Saturday.

Member Garber stated an evening parade would allow them to light up the units.

Member Cantrell stated evening parades in other communities allow kids to do floats with lights.

Fire Chief Fletcher reported that the Brookville Fire Department received notification that Montgomery County will be receiving six or seven community warning sirens from the State of Ohio. We will be putting in for one of these sirens, and if we score high enough it could be placed in Clay Township. Fire Chief Fletcher stated our current sirens are tested monthly and run long enough to bring them up to the draw it would require during an emergency.

Fire Chief Fletcher reported a meeting is scheduled regarding the consultant findings on the intersection of State Route 49 and Brookville Salem Road, and he will share those results with Council as they become available.

Member Garber commented he received the Hyper-Reach test message recently and asked Fire Chief Fletcher to expand on it.

Fire Chief Fletcher stated the test allowed them to contact several thousand residents and gave them some good feedback. One of the changes they will make is to use the pre-recorded message option as often as possible as it was difficult for many of our residents to understand a computer generated message.

Police Chief Jerome reported the Brookville Police Department handled 476 Reportable Incidents year-to-date, compared to 498 at this same time last year. Citations are down 31 from this same time last year for a total of 398 Citations year-to-date. Police Chief Jerome reported the Brookville Police Department made 114 Traffic Stops during the month of September, compared to 136 Traffic Stops during the same time period last year.

Police Chief Jerome reported the Breast Cancer Walk went well with approximately 750 attendees. If it continues to grow, we may have to bring in more staff next year.

Police Chief Jerome reported a parent approached him at the football game to thank him for escorting Eagle Scout Ryan Stark as he walked a flagpole on his shoulders from Randy Sue Court to Hay and Maple Street. Police Chief Jerome commended his staff for taking the initiative to make this happen.

Police Chief Jerome reported the Brookville Police Department will make an anti-bullying presentation at the Brookville Public Library on October 21. The Police Department is busy preparing for Ghostly Night Out on October 24 and a Halloween Safety talk at the Community Preschool on October 26 and 27, 2015.

Police Chief Jerome provided statistics on heroin related deaths across the nation for Council review and some information on Issues 2 and 3 that will be on the ballot in November. Police Chief Jerome stated citizens wishing to oppose the legalization of marijuana in the State of Ohio should vote yes on Issue 2 and vote no on Issue 3.

Member Garber asked if both issues must pass for the legalization to go through.

Police Chief Jerome replied that Issue 2 must pass with a no and Issue 3 must pass with a yes vote for marijuana to become legal in the State of Ohio.

Member Garber inquired if the Police Department is prepared for the charity event at the AmVets on October 17, 2015.

Police Chief Jerome stated he has not been asked to have much to do with the event but plans to have a presence available, along with other jurisdictions who want to help with the event.

Law Director Stephan requested an Executive Session on a Real Estate Matter and advised there will probably be action taken.

Member Duncan inquired where we are at on zoning changes regarding the marijuana issue.

Law Director Stephan stated that this issue will operate much like alcohol and there will be local option elections for a particular location in that precinct. The voters in that precinct will be controlling the location of retail establishments in the local option elections. Law Director Stephan stated that we will probably not be able to zone it out of business zoning districts. Law Director Stephan stated he will continue to research this and will report to Council at the next meeting.

Mayor Seagraves commended Fire Chief Fletcher and staff on the Fire Prevention Parade.

Mayor Seagraves reported he met with Sheriff Plummer and they discussed the fact that heroin use is through the ceiling and the jail is full. Mayor Seagraves stated his feeling is that legalizing marijuana will only exacerbate the issue.

Member Garber requested an Executive Session on a Personnel Matter.

In Old Business, Member Duncan inquired about Fire Levy negotiations?

Fire Chief Fletcher reported he and Manager Burkholder have a meeting tomorrow evening with one of the trustees and several Fire Chiefs to work through several aspects of contract negotiations.

Member Garber asked if the proposal to re-district is still being explored.

Fire Chief Fletcher stated they are working to define the fire districts clearly in the contract language.

Police Chief Jerome commented there are quite a few communities holding Beggars Night on Thursday evening.

Member Garber stated he noticed some tarps and inquired if the Historical Society Library is being painted?

Mayor Seagraves commented he has looked into that and the Historical Society is dealing with some financial issues.

There was no New Business.

Motion by Duncan, second by Cantrell to go into Executive Session on a Real Estate Matter as requested by Law Director Stephan and a Personnel Matter as requested by Member Garber. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Motion by Duncan, second by Apgar to authorize Manager Burkholder to enter into a contract to sell Real Estate located at 321 N. Wolf Creek Street to Tim and Gale Colston for the amount of \$5,000. All yeas, motion carried.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor