

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
December 15, 2015

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

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

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

Member Seagraves greeted citizens in the audience and stated members of the Brookville Historical Society are in attendance.

Cindy Tietge, Vice President of the Brookville Historical Society, introduced the Board Members of the Brookville Historical Society. She stated they are not struggling but would like to plead their case for assistance. They have been trying to keep the historical buildings maintained but funds are limited. They have been painting and recently installed a new boiler in the Exhibit Room, which cost \$8,900. The research Library still needs work. They experienced a recent flood but managed to save 40 years of research, however restoring the old research documents did cost money. The Spitler House located on Market Street is on the National Register of Historical Places, and is in need of a new roof. They received a quote in the past for approximately \$40,000. The older portion of the Exhibit Room is in need of restoration which could cost up to \$50,000. If the Historical Society were to pay for just one of these large renovations it would completely wipe out all of their funds. Ms. Tietge informed they have been trying to cut back on expenses like heating the buildings, and trying to do work on the properties themselves, and they have no snow removal service. They have sold items to help make extra money. The Historical Society is a non-profit organization and has lacked the ability to find a stable money maker. Ms. Tietge stated Brookville has some wonderful historical buildings and it would be a shame to lose the buildings. The Historical Society does open up for field trips from our local schools. She feels it is very important for our youth to be able to come through and view all the history of our town.

Mayor Seagraves asked if there is any kind of membership fees.

Ms. Tietge informed the Brookville Historical Society has approximately 200 members that are mostly out of state. Membership fees are \$10 for individuals, \$20 for family and \$150 for corporations. They currently have two corporate sponsors.

Mayor Seagraves stated he did not know the Historical Society offered memberships.

Ms. Tietge responded members receive a newsletter periodically. She detailed past membership fees were invested back in the day but they could not foresee what would be forthcoming, for instance, a tanking economy or high heating costs.

Mayor Seagraves questioned the state of the library side of their building on Market Street.

Ms. Tietge informed the building currently is warehousing materials and the garage behind the building holds Brookville's second fire truck, Ario Speedwagon 1928. She would love to see the old fire truck in a parade someday.

Member Cantrell informed she wanted to have interaction with the Board Members of the Historical Society to learn more about what they do. She says it was enlightening to learn more about the Brookville Historical Society.

Member Cantrell wondered if there may be possible grants to assist with some of the repairs needed for the buildings that the City could possibly facilitate. She thought if the Spitler Building is on the National Historical Registry then there might be some kind of grant that could help. Member Cantrell specified she really would like to give the Historical Society a hand up to help them and not just a hand out. She wants to make sure the Society can continue for years to come as it is a very important part of our City.

Ms. Tietge informed they have tried in the past for grants but have never had much luck. They also do not have a grant writer, which is a huge problem.

Member Duncan asked if the City could assist with applying for grants?

Law Director Stephan stated the City could be of assistance. Our staff can help submit a grant and research what is actually available.

Member Duncan asked the area that the Society covers and the possibility of working with other Societies.

Ms. Tietge informed they do have a few items from surrounding areas of Butler and Preble Counties. She described their Library as being a very good, sound library, but no one takes advantage of their resources, people only want to read what they find on the internet. Sometimes they will have people call in asking for help researching their genealogy. She recently worked with a man in Antarctica via phone and email to research his genealogy and local ties.

Member Cantrell described a Community Service program that the Brookville Senior High School offers each year. She said Ms. Holland, a teacher at the High School, is in charge of the Community Service program and Member Cantrell could pass along Ms. Tietge's contact information to her.

Member Letner suggested the use of volunteers to help with painting and yardwork around the Historical Buildings.

Member Cantrell agreed with the idea of using volunteers to help with maintenance projects. She also stated the Historical Society is a part of our Center City and she would like to help them.

The Board Members of the Historical Society are also very concerned with the electricity inside the Spitler House. The electrical breakers trip quite frequently. When recently cleaning they must have had too many lights on and when the vacuum cleaner was turned on the breaker tripped. Last year during the tree lighting ceremony volunteers were making hot chocolate in the kitchen and the breaker tripped.

Chief Fletcher offered to set up a time with Board Members to walk through the Spitler House to inspect for areas in need of improvement and to make suggestions. He would like to speak with Staff at the upcoming Staff meeting to discuss the possibility of new fire extinguishers throughout the Historical Buildings. He feels the buildings may be way behind with the rotation of fire extinguishers and maybe the City could incorporate any needed fire extinguishers into our own program. Chief Fletcher stated he would need to research the cost of any needed fire extinguishers but anytime there is a large storage of combustible materials there is a huge concern for fire safety even in an electrically sound building.

Ms. Tietge informed they have a two headed calf named Andy on display. The school aged children love to visit the two headed calf. Recently, they had to have a taxidermist come in to evaluate because Andy is beginning to fall apart, as he is getting wet. They do have a dehumidifier to help but sometimes when it is running it will trip the breaker.

Member Cantrell asked if the City could contact any local electrical companies for estimates.

Ms. Tietge informed Chase Electric wired the lights for the Annual Christmas Tree Lighting Ceremony. She said the Historical Society worked out a deal with the Chamber of Commerce to split the cost for the electric of the lit Christmas tree.

Mayor Seagraves questioned the current bills of the Historical Society and their average total amount due for their utility payments.

Jerry Peters, of the Brookville Historical Society, responded approximately \$2,000 a year for electric usage in all four buildings.

Member Cantrell asked if they have looked into another electric supplier besides DP&L. She stated she changed the electrical supplier in her personal home and the Homeowner's Association she belongs to and found it did save a great deal. It was a very easy process as well.

Mr. Peters informed they have not yet checked into other electric suppliers. He informed the average Vectren bill for all four buildings is approximately \$3,500 a year. They pay \$5,500 per year in only two utilities. Mr. Peters stated it takes a bare minimum of \$10,000 per year to run the Brookville Historical Society.

Member Duncan asked if the Historical Society contacted DP&L or Vectren when they installed the new boiler for possible rebates.

Mr. Peters replied they did contact utility companies and had the boiler installed correctly and inspected. Ms. Tietge added she did check on rebates offered.

Mr. Peters described how the cost of trash, water, sewer and routine maintenance can all add up quickly and thankfully they have received generous donations in the past to help. Mr. Peters feels the upkeep of our historical buildings in the Downtown area is vital to our City. He would also like to thank Police Chief Jerome for the Police Department's help with the recent Tree Lighting Ceremony as well as the Optimist Pumpkin Walk this past October. He stated how helpful they were and it was very helpful to have the roads blocked during these events for safety.

Mayor Seagraves asked Manager Burkholder the status of the electrical research and quotes from Chase Electric that are being done on the downtown area and the rewiring of the trees.

Manager Burkholder replied Chase Electric has been out to evaluate but the work has not begun yet. Chase Electric will be repairing the junction boxes on the trees along Market Street to avoid tripping any breakers when the Christmas lights are up.

Mayor Seagraves suggested we check with Chase Electric to see if they would take a look at the Spittler House along with the other work they have planned.

Member Cantrell verified with Mr. Peters that they hire an independent contractor for mowing. She inquired if the City could take over cutting their grass? That would save the Historical Society approximately \$2,000 per year.

Law Director Stephan advised the City could cut the grass for the Historical Society, but since the land is privately owned, there would need to be some sort of signed agreement between the parties involved.

Mr. Peters asked if help with snow removal at the building on Hay Street would be possible. He is only asking for snow removal help on days that we receive significant snowfall and only in a small area of the parking lot.

Member Letner stated the City needs to access the parking lot that would need snow removal and the grass areas that would need cut before making any definite agreements.

Member Seagraves presented the idea of increasing the total amount of money given to the Brookville Historical Society from \$5,000 to \$7,500 in order to help with utilities and to keep them operable.

Member Cantrell stated she has no problem with increasing the amount of money given but would really like for the Board Members of the Brookville Historical Society to research changing their electric supplier from DP&L to help save costs.

Member Letner expressed concern with having City employees weeding and trimming landscapes around the historical buildings.

Mayor Seagraves informed we would not have City employees doing any weeding only grass cutting.

Law Director Stephan stated the City should have someone from our Service Department evaluate the yards and parking lots of the Historical Society buildings and report back to Council.

Mayor Seagraves described the grass that may need cut to be the yard around the Museum, the yard at the Spitler House and the yard at the Research Library on Market Street.

Member Letner asked if the yard at the Spitler House is accessible for a riding lawn mower?

Ms. Tietge responded the Spitler House would not be accessible for a riding lawn mower.

Mayor Seagraves stated it would be best to have Manager Burkholder communicate with the Service Department to go out and look at the areas in need of grass cutting and snow removal.

Kevin O'Boyle, from the Brookville Star, informed he has challenged the staff of the Brookville Star to get more involved with the community. They may be able to help the Historical Society by spreading the word around town and publishing newspaper articles or volunteering.

Member Letner stated one day the younger generation will realize what exactly the Brookville Historical Society has to offer. He informed he never knew what kind of library the Historical Society had until he toured the buildings himself.

Carolyn Haney, of the Brookville Historical Society, described the importance of the roof on the Spitler House being repaired and restored. She said a leak in the roof could severely damage historical items inside the house. They do not have any recent quotes on repairing the roof. In 2014 they had to have the lower portion of the roof repaired due to a leak which cost approximately \$3,500. The higher portion of the roof is now what is in need of repair. A company out of West Alexandria replaced shingles on the lower portion of the roof. However, they do have to watch the color and materials used on the roof since the Spitler House is on the National Historical Registry.

Mayor Seagraves stated the City will research some of the items discussed with the Historical Society and Council would like to follow up with the Brookville Historical Society Board Members in January 2016. At that time, Council will vote on exactly what is to be done and the amount of funds to be allocated to help the Brookville Historical Society.

Member Seagraves welcomed new resident James Bailey, of Meadow Brooke, and thanked him for attending the Council Meeting.

Manager Burkholder reported as of December 7, 2015 John Williamson is our new Director of Public Service. He will be in charge of the entire Service Department. The City also hired a new Fleet Mechanic, Blaire Mullins. He started his first day of work on December 10, 2015.

Manager Burkholder informed the City's ED/GE Grant application was approved for \$200,000 to assist our local business, Project Parker, with expansion. This was a team effort and a huge thank you goes out to the Montgomery County Commissioners as well as the County Economic Development team and City Staff.

Mayor Seagraves commended the hard work of our City employees and Law Director Rod Stephan for their hard work and diligence. Brookville was very fortunate to receive the full amount of money they requested. There were a total of twelve projects from different cities that were submitted and it is rare to receive the actual amount of money requested.

Manager Burkholder informed he attended the Mayors and Managers Round Table Discussion. Montgomery County Administrator, Joe Tuss, was there and gave a presentation on the County's new program, SEED (Strategic Enhanced Economic Development Program). Mr. Tuss briefly updated the group on the Miami Valley Crime Lab. Manager Burkholder spoke with Erik Collins of the Montgomery County Economic Development group and discussed an upcoming site visit in Brookville.

Manager Burkholder stated he reviewed the 2016 Budget with Finance Director Keaton and made changes for final approval as an emergency this evening.

Assistant Manager/Finance Director Keaton requested Council approval to adopt proposed Resolution No.15-27, which authorizes the City Manager to enter into a Contract with Miami Valley Lighting for Street Lighting services in the City of Brookville for a period of 10 years commencing January 1, 2016. Our current Street Lighting Agreement expires December 31, 2015.

Motion by Apgar, second by Cantrell to read proposed Resolution No. 15-27. All yeas, motion carried.

Motion by Duncan, second by Letner to accept the first reading, dispense with the second and third reading and adopt Resolution No. 15-27 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIAMI VALLEY LIGHTING (MVLt) FOR STREET LIGHTING SERVICES FOR USE ON PUBLIC GROUNDS AND STREETS IN THE CITY OF BROOKVILLE, OHIO FOR A PERIOD OF TEN (10) YEARS COMENCING JANUARY 1, 2016 AND EXPIRING ON DECEMBER 31, 2025, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval to adopt proposed Resolution No. 15-28, which allows an advance on taxes collected by the Montgomery County Treasurer in 2016 for tax year 2015. This Resolution allows the City to receive advances on tax dollars collected for Real Estate from February to April and again from July to September.

Motion by Cantrell, second by Apgar to read proposed Resolution No. 15-28. 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. 15-28 entitled "A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2016 FOR TAX YEAR 2015, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council authorization to allow the City to enter into a five-year Agreement with the BusinessFirst! Program beginning January 1, 2016. Our current five-year BusinessFirst! Agreement expires December 31, 2015. The new Agreement is identical to our last Agreement. The annual maintenance fee will be \$1,500, which includes website hosting. This program has been very successful in establishing relationships with existing businesses and helping meet any needs they have in order to be successful.

Motion by Cantrell, second by Letner to authorize the City to enter into a five-year Agreement with the BusinessFirst! Program. All yeas, motion carried.

Assistant Manager/Finance Director Keaton reported the 2015 Fall ED/GE funding recommendations were recently released, and our ED/GE Application submitted for Project Parker was approved for \$200,000. Assistant Manager/Finance Director Keaton requested Council authorization to allow the City Manager to sign the Montgomery County ED/GE Program Project Agreement.

Motion by Apgar, second by Cantrell to authorize the Manager Burkholder to sign the ED/GE Program Project Agreement. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council allow her to issue a check this month to Ohio EPA in the amount of \$4,392.96 for our 2016 Public Water System License. Assistant Manager/Finance Director Keaton informed she just received the invoice and the payment is due by December 31, 2015.

Motion by Duncan, second by Apgar to allow Assistant Manager/Finance Director Keaton to issue a check to the Ohio EPA in the amount of \$4,392.96 for our 2016 Public Water System License. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval to designate two of its members to sit on the Volunteer Fire Fighters' Dependents Fund for 2016. Members Duncan and Letner sat on this Board in 2015. She spoke with both Members and they indicated that they would like to serve as Legislative Board Members on this Fund for 2016.

Motion by Apgar, second by Cantrell to approve the designation of Members Duncan and Letner to sit on the Volunteer Fire Fighters' Dependents Fund for 2016. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval to adopt proposed Resolution No. 15-30, which amends the 2015 Appropriations and Certificate of Estimated Resources.

Motion by Duncan, second by Cantrell to read proposed Resolution No. 15-30. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third reading and adopt Resolution No. 15-30 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 CERIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council authorization to receipt 90% of the revenue from EMS Billing into the General Fund for operations of the Fire Department and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund for 2016, the same as in 2015.

Motion by Cantrell, second by Duncan to authorize Assistant Manager/Finance Director Keaton to receipt 90% of the revenue from EMS Billing into the General Fund for operations of the Fire Department and 10% of the revenue from EMS Billing into the Fire Capital Improvement Fund for 2016. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval to set the labor rate for the Service Department Mechanic at \$45 per hour for 2016, for work performed on the City fleet.

Motion by Cantrell, second by Letner to approve the labor rate for the Service Department Mechanic at \$45 per hour for 2016, for work performed on the City fleet. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council adopt proposed Resolution No. 15-31 that adopts our 2016 Appropriations.

Motion by Cantrell, second by Apgar to read proposed Resolution No. 15-31. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third reading and adopt proposed Resolution No. 15-31 entitled "ANNUAL APPROPRIATION RESOLUTION AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council approval to allow her to issue Super Blanket Purchase Order Certificates in 2016 for recurring monthly and quarterly expenditures.

Motion by Cantrell, second by Apgar to allow Assistant Manager/Finance Director Keaton to issue Super Blanket Purchase Order Certificates in 2016 for recurring monthly and quarterly expenditures. All yeas, motion carried.

Assistant Manager/Finance Director Keaton reported our fourth Annual Report Calendar is scheduled to be mailed along with the winter edition of our City Newsletter soon. All city residents and businesses should receive this in their mail sometime between Christmas and New Year's. If you do not, please call the City Office.

Assistant Manager/Finance Director Keaton wanted to take this time to thank the Department Heads for providing information about their departments for our Annual Report Calendar and to Kim Duncan who worked tirelessly on putting the calendar together over the last couple months.

Assistant Manager/Finance Director Keaton reported we received an Institution Notice from the Ohio Department of Commerce - Division of Liquor Control. The notice was addressed to Golden Gate Park. The Division of Liquor Control is required to notify any church, school, library, public playground, or township park that is located within 500 feet of a proposed permit premises. Golden Gate Park is located within 410 feet of OM Oil Brookville on Wolf Creek Street. OM Oil is applying for a D1, D2 and D6 permit. Under the Institution Notice, we have four options:

1. We do not object to this Permit.
2. We request the Division of Liquor Control document our objection to the issuance of this permit but we do not request a hearing. In choosing this option we understand that it is only an objection for the record and will not adversely impact the issuance of this permit.
3. We object and request a hearing on the advisability of issuing this permit. Please hold the hearing in Columbus.
4. We object and request a hearing on the advisability of issuing this permit. Please hold the hearing in the county seat of the premises.

Member Letner asked Law Director Stephan to elaborate on the details of the D1, D2 and D6 permits.

Law Director Stephan stated D1 and D2 are permits for carryout and on site consumption. These are the same permits as we objected before. Law Director Stephan stated we had previously discussed with the business owner about withdrawing this type of application and seeking a transfer to a C1 and C2 permit. He was under the impression the business was working on a transfer of permit types. Law Director Stephan stated the Division of Liquor Control has contacted Zoning Officer Snedeker, regarding the exact distance of this site to the park.

Law Director Stephan advised since the application is still for the D1 and D2 permits and now the D6 permit we should object to the application.

Assistant Manager/Finance Director Keaton informed a D6 permit is for the permission of Sunday sales. Since this area is considered a dry area it would mean this issue would have to go before voters for approval. At this time no hearing date has been set.

Motion by Duncan, second by Apgar to object to the issuance of D1, D2 and D6 permits for OM Oil of 432 N. Wolf Creek Street and to hold the hearing in our County Seat. All yeas, motion carried.

Fire Chief Fletcher reported the Fire Department held their 2015 Annual Christmas Dinner. It was a great turnout and they honored certain members of the Fire Department for their significant years of service.

Police Chief Jerome reported on their annual toy drive. This year the Police Department participated in two major toy drives, both Toys for Tots and a local toy drive. He informed the local generosity was overwhelming as well as the pictures taken of the donated toys that filled the Council Chambers. The Police Department donated 19 completely full boxes of toys and \$2,100 in cash to Toys for Tots. In addition, Administrative Assistant Liz Adams and Officer Steve Whitaker, worked closely with Kathy Dafler from Brookville Schools to adopt 20 local families which included 47 children. Extra money was used to purchase 47 stockings, candy and small stocking stuffers. Exact details of children's wish lists, sizes of clothes and shoes were obtained and given out so that these local children could enjoy a fantastic Christmas. Police Chief Jerome thanked the Police Department staff for their hard work and commented Brookville is one of the largest donation centers for Toys for Tots in Montgomery County thanks to the generosity of our staff, citizens and local businesses.

Police Chief Jerome informed his Administrative Assistant, Liz Adams, has been attending the Police Academy at Sinclair Community College for the last six months. Prior to tonight's meeting Police Chief Jerome attended her graduation from the academy. Ms. Adams received a silver medal for academics, a bronze medal for physical fitness and was the class speaker.

Police Chief Jerome detailed Brookville Police Departments participation in apprehending seven men involved in a multi-county theft ring. Members of the theft ring had been operating in Clark, Darke, Delaware, Miami, Montgomery, Pickaway, Preble and Shelby Counties. This 74 count indictment was the culmination of a year-long investigation by a task force of officers and agents from multiple law enforcement agencies, including Brookville.

Police Chief Jerome reported the Brookville Police Department handled 586 Reportable Incidents year-to-date compared to 636 at this time last year. Citations are down by 56 compared to this time last year for a total of 471 year-to-date. Police Chief Jerome reported the Brookville Police Department made 153 Traffic Stops during the month of November, compared to 148 Traffic Stops during the same time period last year.

Police Chief Jerome stated the Brookville Police Department has entered into the OVI Task Force for Montgomery County. They have not participated in this Task Force for several years but want to help contribute to the County wide effort to stop drunk drivers. Montgomery County does pay back the City for any overtime obtained by Officers; it usually is not much overtime, typically less than twelve hours.

Mayor Seagraves asked if the King pin of the theft ring was included in the seven arrested?

Police Chief Jerome replied the leader of the ring was arrested. This was a huge case to be a part of; it included car thefts and cars running into businesses and stealing entire ATM machines. Most of the perpetrators arrested have all been in jail in the past.

Law Director Stephan reported on Ordinance No. 2015-06, an Ordinance to enact a new municipal income tax code for the City of Brookville. In December 2014 the State of Ohio General Assembly enacted House Bill 5 which mandated municipal income tax codes be amended by January 1, 2016 and income withholding tax levies in accordance with provisions of Chapter 718 as the General Assembly amended. Law Director Stephan and Assistant City Manager/Finance Director Keaton have been working with the City of Vandalia and their legal counsel to generate a new income tax code. This ordinance would adopt the new tax code and declare it an emergency so that it will be passed prior to January 1, 2016. The Code itself is more than fifty pages and has been thoroughly reviewed by the City of Vandalia's Tax Administrator and their legal counsel as well as Finance Director Keaton and Law Director Stephan. In addition, they have included a savings clause in Section Four of this Ordinance so if there are any issues with this Ordinance, Chapter 718 will supersede and allow us to still collect income tax. A memo was provided to Council which outlined major changes to the Code and financial impact to the City.

Law Director Stephan also requested Council approval of proposed Resolution No. 15-29, which appoints Members to the Brookville Local Board of Tax Review as mandated by House Bill 5.

Motion by Duncan, second by Apgar to read proposed Ordinance No. 2015-06. All yeas, motion carried.

Motion by Cantrell, second by Duncan to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2015-06 entitled, "AN ORDINANCE TO ENACT CHAPTER 194, MUNICIPAL INCOME TAX, IN THE CODIFIED ORDINANCES OF THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Duncan, second by Apgar to read proposed Resolution No. 15-29. All yeas, motion carried.

Motion by Apgar, second by Cantrell to accept the first reading, dispense with the second and third reading and adopt Resolution No. 15-29 entitled "A RESOLUTION APPOINTING CERTAIN MEMBERS TO THE BROOKVILLE LOCAL BOARD OF TAX REVIEW, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Law Director Stephan requested an Executive Session on three Personnel Matters.

Mayor Seagraves again thanked the ED/GE Program. He is fascinated with the amount we are able to receive.

Mayor Seagraves wished everyone a safe and Happy Holiday. He informed the citizens it may not always look like it, but our Council Members are very dedicated to our City and do a very good and diligent job in making decisions. Everyone may not always agree at once, but Mayor Seagraves feels Council does work very well together and the citizens have done a great job voting in their elected officials.

Mayor Seagraves announced his 13<sup>th</sup> Annual Prayer Breakfast on January 7, 2016 at K's Restaurant. The breakfast is called the "Hour of Power" and begins at 7:30 a.m. and will only last one hour. The seven elements of a sound community will be discussed and seven different area leaders will speak while everyone enjoys breakfast. The cost will be \$6 at the door and the public is welcome to attend.

Motion by Duncan, second by Apgar to read proposed Resolution Nos. 15-17, 15-18, and 15-19. All yeas, motion carried.

Motion by Duncan, second by Cantrell to accept the third reading and adopt Resolution No. 15-17 entitled, "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR FULL-TIME HOURLY CITY EMPLOYEES;" Resolution No. 15-18 entitled, "A RESOLUTION ESTABLISHING A NEW WAGE SCALE FOR PERMANENT PART-TIME, SEASONAL AND/OR TEMPORARY HOURLY CITY EMPLOYEES;" and Resolution No. 15-19 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CLERK OF COUNCIL." All yeas, motion carried.

Motion by Apgar, second by Cantrell to read Resolution Nos. 15-21 through 15-26. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third reading and adopt Resolution No. 15-21 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CITY MANAGER, AND DECLARING IT AN EMERGENCY;" Resolution No. 15-22 entitled, "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FINANCE, AND DECLARING IT AN EMERGENCY;" Resolution No. 15-23 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FIRE, AND DECLARING IT AN EMERGENCY;" Resolution No. 15-24 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF POLICE, AND DECLARING IT AN EMERGENCY;" Resolution No. 15-25 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF PUBLIC SERVICE, AND DECLARING IT AN EMERGENCY;" and Resolution No. 15-26 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF LAW, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

There was no Old Business.

There was no New Business.

Motion by Duncan, second by Apgar to go into Executive Session on Personnel Matters as requested by Law Director Stephan. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Law Director Stephan advised that Council has received his legal opinion regarding Section 5.1 of the City Charter which requires the City Manager to reside within the City of Brookville. Ohio Revised Code Section 9.481(B)(1) provides that no political subdivision shall require any of its employees, as a condition of employment to reside in any specific area of the state. In the case of Lima v. State, the Ohio Supreme Court considered the impact of Ohio Revised Code Section 9.481(B)(1) on the charter provisions that require City Employees to reside within Municipal limits. The Court found that ORC Section 9.481(B)(1) overrides local charter provisions requiring residency of City Employees, and therefore, these charter provisions cannot be enforced. It is the legal opinion of Law Director Stephan that the residency requirement of Section 5.1 of the City Charter requiring the City Manager to reside within the City of Brookville cannot be enforced in light of ORC Section 9.481(B)(1) and the decision of the Ohio Supreme Court in Lima v. State. Therefore, upon request of Manager Burkholder and upon the legal opinion of Law Director Stephan, it is requested that Council adopt a motion to waive the residency requirements of Section 5.01 of the City Charter for Manager Gary L. Burkholder.

Motion by Duncan, second by Cantrell to waive the residency requirements of Section 5.01 of the City Charter for Manager Gary L. Burkholder. All yeas, motion carried.

Law Director Stephan requested a motion by Council to have the title of Assistant City Manager be removed from Sonja Keaton due to the re-organization of City Management structure. Sonja Keaton will remain as Director of Finance.

Motion by Apgar, second by Cantrell to remove the title of Assistant City Manager from Sonja Keaton and for her to remain Director of Finance. All yeas, motion carried.

Member Cantrell stated they are not removing the title and job description from Ms. Keaton for any reason on her part, Ms. Keaton has done a wonderful job and this is of no reflection of her. The title is being removed in order for the City to establish a clear difference between the Finance Department and Management of the City.

Law Director Stephan stated vacation accrual rates have been discussed and with respect to the Employment Agreement with Manager Gary L. Burkholder and Council, which was approved in June 2015, Law Director Stephan requested a motion by Council to amend that Agreement to reflect Manager Burkholder would accrue vacation at the rate of 6.16 hours per 80 hours worked which is currently the rate of a 16-year level City employee under the vacation accrual schedule commencing January 1, 2016.

Motion by Apgar, second by Cantrell to approve the amendment of vacation accrual for Manager Gary Burkholder to be at the rate of 6.16 hours per 80 hours worked which is currently the rate of a 16-year level City employee under the vacation accrual schedule commencing January 1, 2016. All yeas, motion carried.

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

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Sonja M. Keaton, Clerk

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David E. Seagraves, Mayor