

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
March 15, 2016

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on March 15, 2016 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Henry, Kirklin and Letner; Manager Burkholder, Finance Director Keaton, Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan, Clerk Wheeler and Public Service Director Williamson were present.

Roll Call by Clerk Wheeler.

Mayor Seagraves informed Carolyn Imler passed away. She was a long time resident of Brookville, served on City Council for many years and was also a former Mayor. Mayor Seagraves asked for a moment of silence in honor of Carolyn Imler.

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

Motion by Cantrell, second by Kirklin to accept the March 1, 2016 Regular Meeting Minutes as presented. All yeas, motion carried.

Member Seagraves greeted citizens in the audience and informed students from Northmont High School were in attendance.

Manager Burkholder reported he is still finalizing the Fire Protective Services Contract with Clay and Perry Townships and will hopefully be finalized within the next few weeks.

Manager Burkholder announced there will be a Special Council Meeting on Thursday, March 24th. The meeting will be open to the public as a Work Session Meeting and include a presentation on a new fire house. Fire Chief Fletcher, Finance Director Keaton and Manager Burkholder will be presenting information during this Work Session to Members of Council.

Manager Burkholder informed he met with the design consultants from MKSK regarding the Arlington Road Bridge. They did a walking tour of the road and discussed items the City would like to incorporate into the final Ohio Department of Transportation (ODOT) plan for the improvement of the Arlington Road Bridge project to begin in 2018.

Manager Burkholder stated City Staff recently met with Civic Plus regarding a new website for the City. It was very informative and our next step will be a webinar to focus on specific areas offered, for example: Economic Development, new meeting agendas and work orders. The design of a new City Website is an average of a six month process.

Member Cantrell asked when the upcoming webinar will be.

Manager Burkholder stated we are waiting on available dates from Civic Plus to decide from.

Member Cantrell asked that is has definitely been narrowed down to Civic Plus to design a new website?

Manager Burkholder informed Civic Plus offers a great program to create a unique website for our City, they specialize in government websites and last year we participated in a webinar with them. He saw a presentation from Civic Plus at the OCMA conference he attended last month. A lot of our neighboring communities are using their services and Civic Plus is currently servicing approximately 2,000 communities throughout the Country. Civic Plus informed City Staff in their recent meeting that Cities must be ADA compliant with their website and if not, fines can be applied. A new website will also help in the future with document management and work flow and they offer multiple different modules. Manager Burkholder stated as the project moves forward and more information is gathered he will present to Council.

Member Duncan asked if the Arlington Road Bridge project is still on schedule?

Manager Burkholder informed the project is still on schedule. ODOT is currently in negotiations on the next phase of the project; they have completed the preliminary phase and are now negotiating a contract with Woolpert who are the design consultants. This is why the City needs to have our design ideas, or whatever we would like to see, incorporated into the design decided on soon. The project is scheduled to begin around March 2018 and continue through November 2018. During that time the Arlington Road Bridge will be a completely closed. Manager Burkholder informed he is still waiting on a ramp schedule from ODOT as to which ramps will be open and closed and when. It is still undecided on which side of the bridge the pedestrian walkway will be placed.

Mayor Seagraves requested Council approval to hold a Special Council Meeting on Thursday, March 24, 2016 from 6:30 p.m. to 8:30 p.m.

Motion by Henry, second by Cantrell to hold a Special Council Meeting on Thursday, March 24, 2016 from 6:30 p.m. to 8:30 p.m. All yeas, motion carried.

Finance Director Keaton reported she received notification from the Ohio Department of Transportation (ODOT) that they will be providing the City funding for the Parker Avenue Roadway Extension project, which is part of Green Tokai's expansion project. ODOT's funding will be \$45,000 or 31% of the total project cost, whichever is the lesser amount. The approximate cost of the Parker Avenue extension project is \$149,000. The City was also awarded a \$55,000 Ohio 629 grant from Jobs Ohio for this roadway extension project. Finance Director Keaton requested Council authorization to allow the City Manager to sign the Jobs and Commerce Economic Development Agreement between the State of Ohio, Department of Transportation and the City of Brookville.

Motion by Duncan, second by Kirklin to authorize the City Manager to execute the Jobs and Commerce Economic Development Agreement between the State of Ohio, Department of Transportation and the City of Brookville. All yeas, motion carried.

Finance Director Keaton requested Council approval for Brookville Baseball's Club's Opening Day Parade to be held on Saturday, April 30 with line-up to begin at 10:00 a.m. and the parade to start at 11:00 a.m. with the same parade route as in previous years.

Motion by Apgar, second by Kirklin to approve the Brookville Baseball Club's Opening Day Parade to be held on Saturday, April 30 with line-up to begin at 10:00 a.m. and parade to start at 11:00 a.m. with the same parade route as in previous years. All yeas, motion carried.

Finance Director Keaton informed the Annual Community Park Cleanup is scheduled for Saturday, March 19 from 10:00 a.m. to noon at Golden Gate, Ward and Westbrook parks. Hot dogs, chips and refreshments will be served in Shelter #3 at noon, for those participating in the cleanup.

Mayor Seagraves described the Annual Community Park Cleanup is always a fun day and he invited everyone to come and help out.

Finance Director Keaton advised the City of Vandalia will once again have representatives at our City Building to assist our residents with the preparation of their local income tax return. The representatives will be at the City Office on Friday, April 1 from 8:00 a.m. to 4:30 p.m. and again on Saturday, April 2 from 8:00 a.m. to noon. The service is free to Brookville residents.

Finance Director Keaton informed members of Council have been given a copy of a report she printed off of the Ohio Checkbook site on March 3, 2016. The report shows there were 55 visits during the previous 30 day period, with the average visit on the site about 3.22 minutes.

Service Director Williamson reported brush has been cleared at the Foothill property. He recently met with new management representatives from Lowe's in Trotwood regarding possible donations on the Foothill property. Service Director Williamson stated he has an upcoming meeting with a project team to go over our needs and to see what type of items Lowe's may be able to help us out with.

Service Director Williamson informed batteries were recently replaced in the two tornado sirens and after the recent storm when the tornado sirens had to be set off, they did work properly.

Service Director Williamson reported a sub service leak was repaired on Hill Street. It was a leak that had not come up to the surface yet but he was notified of the leak and it has now been repaired. The electrical storm two weeks ago struck near the water tower which caused some damage. The Service Department experienced a brief loss of communications, and a few lights were damaged as well as two DP&L transformers and they are currently in the process of making repairs to the damaged items.

Service Director Williamson stated he met with a root control contractor to help control and treat the roots in our sewers and back up lines this year to help prevent backups. At the Wastewater Treatment Plant the influent wet well was cleaned up. This is a routine maintenance item that helps to prevent the pipes from getting clogged and help keep the plant operating as needed.

Service Director Williamson informed he has met with staff members on the baseball fields to determine needs there and upcoming priorities before baseball season starts.

Service Director Williamson reported the Service Department will be out in support of the upcoming Park Cleanup day and encouraged the audience to come as well.

Service Director Williamson stated the Service Department is currently working on alleys throughout the City. They are working on restorations of the alleys if needed and making sure pot holes are filled.

Member Henry stated as a citizen and Council member she is very proud of our City and how the recent storm and tornado warning was handled.

Fire Chief Fletcher requested Council approval to purchase one Physio-Control Life Pak 15 Cardiac Monitor-Defibrillator. Included in the 2016 budget was \$36,000 to purchase the second of two cardiac monitors-defibrillator to replace those reaching the end of their life. The plan was to purchase two and keep the oldest two for as long as possible and outfit our third medic. The second purchase of the new unit is in line with the plan and budget for 2016. Chief Fletcher informed we can make a slight adjustment because we have been able to save a considerable amount of money that we did not anticipate and can help us purchase additional AED monitors. He has identified a need and would like to place an AED at the City building and the Service garage at 700 Arlington Road in case of an emergency. With the money saved and by repurposing a few units we currently have, we can purchase the AEDs and still be approximately \$4,000 under what was originally budgeted. Fire Chief Fletcher stated the purchase of the AED monitors has been approved by Manager Burkholder.

Fire Chief Fletcher requested Council approval to purchase one Physio-Control Life Pak 15 Cardiac Monitor-Defibrillator and four Physio-Control LifePak 1000 Automatic External Defibrillators.

Motion by Apgar, second by Kirklin to authorize the purchase of one Physio-Control Life Pak 15 Cardiac Monitor-Defibrillator and four Physio-Control LifePak 1000 Automatic External Defibrillators.. All yeas, motion carried.

Fire Chief Fletcher reported on the recent storm activity and tornado warnings. He informed the Hyper Reach program reached about 3,000 people. Fire Chief Fletcher detailed he received a list of people unable to be reached by the Hyperlink program, and those not reached will receive a postcard to try to obtain updated phone information from individuals.

He is very pleased with how well the system worked and informed it reached a significant number of people within a matter of five minutes.

Fire Chief Fletcher stated the Fire Department set off the tornado sirens as a precaution even though by the time the storm reached Brookville it had weakened. Spotters were out looking for tornado touchdowns and began seeing rotations in the area near I-70 and Arlington Road. There was a touchdown near Sweet Potato Ridge Road, crews were dispatched to that area because they received an incorrect report that there was a tornado touch down on Wengerlawn Road. In responding to the call, Chief Fletcher was able to catch up to the storm and watch it move north. He was very thankful the storm did not hit well populated areas and mainly ran through a rural non-populated area of Clay Township near Brown and Son's Nursery.

Member Apgar complimented Chief Fletcher, his staff and the Police Department on a job well done during the recent storm.

Fire Chief Fletcher informed he feels both the Fire and Police Departments work very well together and are not two departments that feel they must be competitive with each other. By working well together it helps in the event of emergencies.

Member Kirklin stated she received a text from the Hyperlink system before WHIO warnings or the sirens went off.

Member Duncan agreed and stated he appreciated the warning going out in advance with time to prepare prior to the storm hitting. He stated he did not think the sirens could be set off too early; he appreciated the extra time to try and prepare to make sure he was safe.

Chief Fletcher informed they were constantly watching the situation and the Police Department personnel were in position to be spotters and the radar was constantly being watched. The Fire Department was prepared to sound the sirens at any time if needed. The initial role was based upon the information from the National Weather Service and then continually monitored. From there the sirens could have been turned on over and over again if the situation would have warranted it. The situation did not warrant for it until there was a sudden intensification of the cell just north of town, which was when the sirens were then turned back on for a second time. Chief Fletcher stated they would rather wear the sirens out in a situation like this and would rather be safe than sorry.

Chief Fletcher described there is currently a computerized pre-recorded message on the Hyperlink system that goes out and can sometimes be hard to understand. He is looking into a solution of a pre-recorded voice instead of computer generated voice and is always looking for new ways to continually improve the system.

Member Duncan gave a shout out to the schools and stated they did a great job holding the students and making sure it was safe before dismissing students.

Chief Fletcher informed the Superintendent of Brookville Schools called him to check to make sure it was safe before the school buses were dismissed from the schools. Not only from a safety standpoint for the kids but was also helpful for traffic reasons throughout town as well.

Mayor Seagraves stated he received multiple phone calls from citizens who were all very pleased with the emergency notifications system and how well our Police and Fire Departments handled the situation.

Police Chief Jerome stated without being too critical to the National Weather Service and the local news, in his opinion they missed it, when the alerts went off there was absolutely no wind, no nothing just all of a sudden a tornado warning. He had the news turned on and watched a very frazzled news reporter give a weather report which he felt was a sign the storm snuck up on the local news departments. Without a lot of warning Chief Jerome was very proud of both our Fire and Police Departments and the way they handled the situation. Even when the National Weather Service cancelled the first warning, his crews were still out spotting and in constant communication with Chief Fletcher and the Fire Department and

witnessed rotation and decided the storm was not over and the sirens were set off a second time even though the local news and National Weather Service had said the storm was over for Brookville. Police Chief Jerome indicated about two minutes after the second alarm siren went off, the storm did actually touch down and had our crews not been out in harm's way we could have completely missed the storm that did touch down. Both the Police and Fire Departments were in communications with Mr. Hopkins, the Superintendent for Brookville Schools and Officers were sent to Brookhaven to check on the safety of the residents there. Police Chief Jerome informed the Police Department has received a lot of compliments on the Hyper Reach System and how quickly they received alerts.

Police Chief Jerome requested Council approval for the second Annual Officer Down Memorial which will be held on Saturday, May 7<sup>th</sup> starting at 8:00 p.m. The run will begin at 8:00 p.m. followed by the candlelight vigil. Last year was the first year for the Officer Down Memorial and they had approximately 225 participants register and will hopefully exceed that number this year. Police Chief Jerome informed the run will start and end at the VFW, with closing ceremonies there at the VFW.

Motion by Apgar, second by Kirklin to approve the second Annual Officer Down Memorial Run on Saturday, May 7<sup>th</sup> starting at 8:00 p.m. All yeas, motion carried.

Police Chief Jerome reported the Brookville Police Department handled 123 Reportable Incidents year-to-date, compared to 106 during this same time last year. Police Chief Jerome reported Citations are up a total of two Citations year-to-date, for a total of 92 Citations issued year-to-date. Traffic Stops were up to 145 stops for February compared to 116 during this time last year.

Police Chief Jerome informed there had been concern of a Vectren scam. However, after researching it, there had been legitimate Vectren employees going door to door in town. Chief Jerome encouraged people if they are even in doubt of who is at their door to not hesitate to ask for appropriate credentials or badges, to contact the company the person is claiming to work for or even to contact the Police Department.

Police Chief Jerome described the Click it or Ticket campaign that will begin this May. That campaign will increase our average citation report numbers. He stated the Police Department will also be a part of the OVI task force for St. Patrick's Day sponsored by the Montgomery County Prosecutor's office. They will be at a press conference with the Montgomery County Prosecutor's office and other participating Police Departments on Thursday morning, March 17<sup>th</sup>. The Montgomery County Prosecutor's office provides the overtime funds needed for our Police Department to participate in this program. The task force for St. Patrick's Day will start on Thursday and continue through the weekend. Police Chief Jerome stated recently OVI crashes and deaths are on the rise. For a while the numbers had decreased but are now increasing again and unfortunately, between OVI crashes and deaths of Police Officers, it is very concerning.

Member Apgar complimented Police Chief Jerome and his staff on a job well done during the recent storm.

Law Director Stephan requested Council approval on Resolution No. 16-04 that appoints City Manager Gary L. Burkholder to act as Enterprise Zone Manager of the City of Brookville and Resolution No. 16-05 that appoints City Manager Gary L. Burkholder to act as Housing Officer for Community Reinvestment Area #1 of the City of Brookville. These resolutions are in emergency form to permit immediate passage and thereby authorize the City Manager to execute annual reports on these programs that are due by March 31, 2016.

Motion by Cantrell, second by Kirklin to read Resolution No. 16-04 and 16-05. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third readings and adopt Resolution No. 16-04 entitled, "A RESOLUTION APPOINTING GARY L. BURKHOLDER TO SERVE AS ENTERPRISE ZONE MANAGER FOR THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." and Resolution No. 16-05 entitled, "A RESOLUTION APPOINTING

GARY L. BURKHOLDER TO SERVE AS HOUSING OFFICER FOR THE COMMUNITY REINVESTMENT AREA #1 OF THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Law Director Stephan requested approval for the Police Department to enter into an Agreement with JJ Gun Supply, a licensed gun dealer in Brookville. The Police Department currently has in their inventory an old 1928 A1 Thompson Submachine Gun and two magazines that are of no value to the Police Department for current use, only a historic weapon. The Police Department has been discussing with JJ Gun Supply the possibility of them purchasing the weapon for \$3,336.00 which in exchange would allow the Police Department to purchase six Smith & Wesson AR15 Rifles from JJ Gun Supply for a total of \$3,336.00. Essentially this would be an even exchange and be done under our Surplus Property Resolution which allows the City Manager to dispose of City surplus property and will allow the Police Department to purchase six new guns without spending any money.

Member Letner asked if the amount of \$3,336.00 is the appraised amount for the Thompson submachine gun.

Police Chief Jerome informed if a dealer were to buy a similar gun to the Thompson submachine gun it would actually cost a little less. The owner of JJ Gun Supply would like to purchase an older style gun like we have. The gun is stamped "Law Enforcement Use Only" which means the only person that can purchase the gun is a dealer and they cannot resell the gun. Basically the dealer can have the gun on display only. If the gun were stamped any other way then it could be sold differently and probably for more money.

Member Letner stated in the past, he had thought the gun was valued at approximately \$14,000.

Police Chief Jerome stated it had been valued for more in the past when it was thought the gun could be sold to a private vendor.

Member Letner asked how the gun was stamped and by who?

Police Chief Jerome informed the gun was stamped by the ATF when it was purchased back in 1971 by the Police Department. Once the gun is stamped it cannot be changed. This transaction also must be approved by the ATF before it is finalized.

Motion by Kirklin, second by Apgar to approve an Agreement with JJ Gun Supply to sell the 1928 A1 Thompson submachine gun and two magazines to JJ Gun Supply for the amount of \$3,336 and to purchase six Smith & Wesson AR15 Rifles from JJ Gun Supply in the amount of \$3,336.00. All yeas, motion carried.

Member Seagraves reminded again the upcoming Annual Park Clean-up is Saturday, March 19. If anyone is in need of community service it is a great way to quickly obtain about three hours of service.

Member Seagraves informed spring break is coming up and wished everyone a safe and fun spring break and a Happy Easter.

Member Seagraves informed the next Planning Commission Meeting is scheduled on Thursday, March 17, 2016 at 7:30 p.m.

There was no Old Business.

There was no New Business

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

Bindy Herkins in the audience asked about public comments?

Mayor Seagraves stated the public comments were done in the beginning of the meeting under citizen comments, however the Agenda listed public comments at the end as well.

Law Director Stephan advised a motion is needed to re-open the meeting.

Motion by Duncan, second by Henry to re-open the Regular Council meeting. All yeas, motion carried.

Belinda Herkins, of 55 Mound Street, asked if there is anyway the City can help residents contract with a licensed, bonded tree company to help removed diseased or dead ash trees on resident's property and give a discount if enough residents signed up.

Mayor Seagraves asked Finance Director Keaton who recently removed the dead trees throughout our parks.

Finance Director Keaton informed the City recently used Chris's Tree Service.

Mayor Seagraves asked Manager Burkholder if he was happy with the work they did.

Manager Burkholder informed Chris's Tree Service did a good job at our parks.

Member Apgar suggested Ms. Herkins call Chris's Tree Service and ask them directly.

Ms. Herkins clarified the dead trees would be citizen problem and not the City's.

Ms. Herkins asked about in past public meetings for the fairgrounds, she has noticed the members are sworn in at each meeting. She is asking if members of Council are sworn in at each meeting or at a certain time or how often are members of Council sworn in?

Law Director Stephan advised Members of City Council are each sworn in when newly elected. At the first meeting of January 2016, newly elected members were sworn in as our City's Charter states that newly elected members are to be sworn in at the first organizational meeting of the year, which was January 2, 2016.

Ms. Herkins asked if members are actually sworn in at each meeting.

Law Director Stephan stated Members of Council are sworn in as elected officials but if she is asking if members are under oath, than no they are not.

Ms. Herkins asked if members were under oath at any of the past public hearing regarding the fairgrounds.

Law Director Stephan advised any witnesses that testified at a public hearing would have been under oath.

Ms. Herkins asked if the board members at a public hearing are under oath.

Law Director Stephan informed board members were not actually under oath, however, board member's statements at public hearings are recorded and part of the public record. Our zoning procedure is when a formal public hearing is held, any witnesses that present would be under oath.

Ms. Herkins stated the fairgrounds project coming to Brookville seems to have fallen off the face of the earth and that it seems the two public hearings held in the past were just an exercise of futility in terms of were the fairgrounds even ever realistic. She stated, it seems the citizens are not getting any response from public officials as to why the fairgrounds is no longer a possibility, she only knows what she has read in the newspaper. She questioned if the City doubled the cost of the access road needed and if that may have caused issues with Miller Valentine.

Mayor Seagraves stated there are a lot of incorrect facts in the media pertaining to Brookville and the fairgrounds. He asked Manager Burkholder to address what could legally be said at this time.

Manager Burkholder informed the zoning on the property is in effect until April 1, 2016 and then reverts back to industrial zoned property. He informed Brookville has not been an involved party in any discussions between any of the developers or potential investors and the Fair Board. What may have been read in the newspapers have been based upon meetings with members of the Fair Board and whoever their unidentified, potential investor is.

Ms. Herkins asked why it seemed Brookville was going to move forward with this project by doubling the amount of the land for the fairgrounds and doing special zoning.

Manager Burkholder informed the reason this has taken place over the last two years was based on an agreement between the Fair Board and Miller Valentine that was apparently never consummated and now the Fair Board is seeking other options. That time line was never contingent upon the City, we were waiting for them to come to some agreement. The City never had any impact on the Fair Board's decision to search for other options. He suggested Ms. Herkins direct some of her questions towards members of the Fair Board at their next meeting.

Ms. Herkins stated the whole situation seems like "a cat chasing its tail". When she asks City officials they tell her to ask members of the Fair Board and the Fair Board tells her to ask Miller Valentine.

Mayor Seagraves informed when Public Hearings were held in the past, Brookville agreed to keep the zoning changes for two years. There was never any action taken by the Fair Board or Miller Valentine. He informed that they will have to make some sort of statement on April 1<sup>st</sup>. Brookville has never been part of the decision process, just owners of the land identified. Everyone will know more April 1<sup>st</sup>.

Manager Burkholder stated as of April 1 the land will automatically revert back to industrial. As far as what the Fair Board intends to do, we have no idea. After April questions should be directed to the Montgomery County Agricultural Society (the Fair Board) or the County Commissioner's office to see what the process will be because until the land downtown is sold and another site is identified by the Fair Board nothing else can happen but the City is not involved in this process.

Ms. Herkins asked why the City of Brookville has not been notified that our land was unviable.

Mayor Seagraves stated they do not have to notify us because the land will automatically revert back.

Member Apgar stated the only part the city of Brookville has played in this whole ordeal has been the changing of land use from industrial that is it.

Ms. Herkins asked why the City went through with holding public meetings regarding the fairgrounds.

Mayor Seagraves stated the City had to legally hold public hearings to inform the public of rezoning. He re-iterated the City changed the land use type and has never heard back from the other parties involved.

Member Kirklin informed it doesn't seem the Fair Board has a buyer for the property in Downtown and without a buyer they are stuck.

Mayor Seagraves stated there are a lot of misconceptions and Brookville is appearing as a bad guy, however, we are on the outside looking in. There are a lot of things that are out of our control.

Member Letner informed Brookville paved the way for the fairgrounds to come here and set forth stipulations and if they wanted to work with us that were entirely up to them and at this time they have chosen not to and the situation is what it is.

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



Meghan L. Wheeler, Clerk



David E. Seagraves, Mayor

