BROOKVILLE CITY COUNCIL
REGULAR MEETING
May 17, 2016

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on May 17, 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.

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

Motion by Duncan, second by Cantrell to approve the May 3, 2016 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves greeted citizens in the audience and asked if anyone plans to speak to please limit their speaking to five minutes and to state their name and address for the record.

Tom Brandt, of 183 Brooke Woode, stated the impact of the 1% tax credit on residents who make a decent income is more than just "chump change" and he does not appreciate it.

Randy Allison, of 106 Poplar Run Place, stated he is all for the Fire Department and has three neighbors who are firemen. He stated he has seen a lot of new fire stations be built without raising taxes and feels like he is being discriminated against because he does not work in the City of Brookville. Mr. Allison informed in his opinion this is taxation without representation and he did not vote for this and should not be assessed something that not everyone has to pay. He stated that our Fire Department serves Brookville, Perry and Clay Townships and that those in the Townships should have to contribute as well.

James Zimmerman, of 247 Plymouth Avenue, thanked Council Members Cantrell, Duncan and Letner for their responses to the letter he mailed them voicing his concerns. He stated he does not object to a new fire station and highly respects the quality of work from Chief Fletcher and his team but that his objection solely lies with the tax credit reduction. He stated when the recent tax increase was passed it was projected to cover the entire cost of a new fire house. Mr. Zimmerman stated even though the anticipated revenue from the tax increase is now lower due to the loss of a few of our businesses, we should still receive approximately $500,000 more in revenue from the .25% increase than we received in 2015. He stated the City should re-prioritize its objectives just like citizens have been asked to do in the past. Mr. Zimmerman stated the City is asking a small segment of citizens to bear a heavier burden to fund a new fire station especially when a lot of those who benefit from the services live in a township and will not have to help foot the bill. He informed he found out that 22.2% of our EMS calls in 2015 were to Perry and Clay Townships.

Mr. Zimmerman asked that we take a look at other communities to compare our tax rate. He stated he is worried that this tax increase will not help attract new families or businesses to our area. He stated he could save money by moving from Brookville to a township. Mr. Zimmerman requested members of Council to withdraw the proposed Ordinance and re-evaluate how funds raised from the recent .25% increase can be re-prioritized to address the needs of our fire service professionals. He stated if a tax increase is needed it should go before the citizens for a vote and not just decided upon by City Council Members. Mr. Zimmerman stated if it is the prerogative of City Council to ignore his request to withdraw the proposed Ordinance than he will personally pursue a referendum. He also stated he hopes that Council does not exercise their power to call an emergency vote on this tax proposal as other cities have done in the past and if so, maybe the citizens should question the leadership of those who would vote do so.

Bruce Garber, of 434 Sycamore Street, stated the proposed income tax Ordinance would raise taxes by 1% for many who live in Brookville but work elsewhere. He stated that is totally unjustified and should be rejected by Council.

Mr. Garber stated a 1% tax increase is not trivial as some on Council have recently stated and a typical two wage earning couple will see their taxes increase easily by the equivalent of six months DP&L bills, 30 tanks of gas, 1 year home or car insurance payments or 5 months of property taxes.

Mr. Garber stated he has three questions he would like answered.

Question #1, If the recent upgrades to the Wastewater Treatment Plant make it fully functional for many years to come and is in full compliance with all EPA requirements then would Council share specifically which major systems need to be completed in the future by the $3,000,000 listed as Phase II?

Question #2, The Terrace Park improvements that are on the list total $1,000,000. One Council Member is a plat resident and will directly benefit by increased property value if this Ordinance is passed and is in possible violation of Ohio Revised Code 102.03(D). Will the second reading be delayed while the Law Director researches this potential conflict of interest and provide the lawful opinion?

Question #3, If a loan will be paid off by the City in July 2018 with over $42,000 per year thereafter available for other projects or early payments on the new Fire house then what is Council's plans for this money?

Curt Schreier, of 157 Timberwolf Way, provided a letter to members of Council with his thoughts on the proposed tax credit Ordinance. He stated the tax credit is not a trivial amount of money for any resident but would probably cost the average family about $600 to $800 per year. He stated he is not opposed to a new firehouse but thinks a moderate firehouse would suffice and not go overboard with too much. He stated a moderate firehouse should be able to be done more economically.

Mr. Schreier asked why there is no language stating that the Ordinance would allow a minimum credit of 1% to allow incremental decreases in the credit given when paying taxes to another municipality. He informed if the decreases were done in .25% increments over time as specific funding dictates it would be less of a burden as when enacted as a blanket 1% credit. Mr. Schreier stated there would still be some opposition to this plan but maybe not as much. He stated that if a .25% increase brought in $700,000 in revenues than it would seem that an additional $700,000 per year over ten years would be enough to pay for a moderate firehouse.

Mr. Schreier asked what will keep Council from completely abolishing the credit from other cities and adding an additional 2% of tax to the current tax rate. He stated if an individual works in Dayton and currently pays 2.25%, the new effective rate would be 3.25%. Mr. Schreier stated he understands the credit roll back has been done in other cities but this practice puts us on a slippery slope and if all communities do not agree to credit back to other cities then everyone will pay higher taxes which will have a negative effect of pushing more people toward townships thus further decreasing the revenues to cities.

Mr. Schreier asked what the actual percentage of those required to pay Brookville City tax is compared to those who actually pay them. He asked if someone works in a township and has no money withheld but lives in the City of Brookville and does not file a city return, is that money ever collected? Mr. Schreier stated the proposed ordinance change feels like a controversial attempt to pay for a new fire station that has been voted down by the community even though Brookville is not the first City to do this.

Mark Richardson, of 411 Flanders Avenue, stated he has lived in Brookville since 1961 and has been asked to speak on behalf of 47 community members that are property owners, tax payers and registered voters who range in age from 28 to 82 years old. He informed these people all feel that the proposed tax credit will pose a burden on the people of our town who recently passed a .25% tax increase. Mr. Richardson asked if the money has already been spent from the recent .25% tax increase that was just approved. He stated that we should take more time on this project and not back door the idea. Mr. Richardson stated this project could cost the average couple two house payments per year or cause people in the community to eat and shop elsewhere. He asked that Council please reconsider other options

on funding for a new firehouse so that people in the community may embrace it and not question it.

Jeff Webb, of 507 Arlington Woods Drive, stated he only found out about the proposed Ordinance about three hours prior to the meeting. He stated his first concern was what has been done to update citizens that this Ordinance is even going on? He stated he and his wife have contacted several people they know to see if they are aware of what is going on. He stated if more folks knew what was going on than the Council Meetings would be packed. He informed he is not opposed to a firehouse if needed but that everyone should have to pay for it and not just those who work outside of Brookville.

Rob Rutherford, of 39 Wilderness Cove, stated he has reviewed over Council Minutes from the last few months and feels shocked by some comments made from some Council Members on tax rates. He informed he has a CPA firm and that taxation is a hot topic in his business. He stated not only have federal rates gone up and will probably go up again but wages never increase. Mr. Rutherford asked how many Council Members live within the City limits.

All Council Members stated they live within City limits and that they have to reside within the City limits to be on Council.

Mr. Rutherford stated the tax credit would then not affect Council Members.

Several Council Members stated that they all work full-time jobs outside of the City of Brookville and this will affect them also.

Mr. Rutherford stated members of Council should think about their comments before they speak about residents being able to afford a tax increase. He stated he is in support of a new firehouse and does see the need for a new firehouse but does not believe that construction costs are really as high as estimated.

Todd Clemmons, of 841 Flanders Avenue, stated he feels the tax reduction will affect the passing of future school levies and may stop people from moving to Brookville.

Stephan Crane, of 847 Flanders Avenue, stated he has concerns that this will be a permanent tax increase.

Mayor Seagraves thanked everyone for their comments and stated we will get answers out to everyone.

Manager Burkholder reported he has hired two full-time seasonal workers for the Service Department who will start right after Memorial Day.

Manager Burkholder stated he and Mayor Seagraves attended a meeting in Columbus with Woolpert and MKSK regarding the Arlington Road Bridge replacement which will take place in 2018.

Manager Burkholder informed the City has signed a contract with Civic Plus and the design process has begun and is scheduled to take approximately six months for completion.

Manager Burkholder requested the scheduling of a 90 minute work session meeting for all members of Council and the Department Heads for either June 9 or 16 at 6:30 p.m. and if members could please let the Clerk of Council know their availability. The work session will be to update the Mayor and Council on all of the projects that each department is working on and will be open to the public.

Mayor Seagraves asked that everyone please let their availability known as soon as possible to Manager Burkholder or Clerk Wheeler.

Manager Burkholder informed the Work Session will be a good time for each of the departments to give Council a briefing of what is currently going on within each of their departments and any challenges they may be facing.

Finance Director Keaton reported we received approval for all three of the Montgomery County Solid Waste District Recycling Incentive Grants that were submitted. She informed the first grant is for 15-33 gallon 100% recycled plastic waste receptacles, to replace the waste receptacles on Market Street and a horizontal recycled plastic Message Center with literature rack that will be installed at Powell Park along the bikeway. The total cost of the project will be $10,633.05, the grant is for $7,443.13 (70% of the project) and the City will contribute $3,190.92 (30% of the project).

Finance Director Keaton reported the second grant is for 207 Green Recycling Carts and the total cost for these carts are $9,828.00. The grant is for $6,880 (70%) and the City will contribute $2,948 (30%).

Finance Director Keaton reported the third grant is for 150 – 6' Yellow recycled plastic solid Wheelstops (Parking Blocks) that will replace the remaining concrete blocks at Golden Gate Park and provide us with extras in case of future damage. She informed the project's total cost will be $10,015.21, the grant is for $7,010.65 (70%) and the City will contribute $3,004.56 (30%).

Finance Director Keaton requested Council authorization to allow the City Manager to enter into and sign the Second Amendment to the Water Service Agreement with the City of Dayton. She informed the Second Amendment to the Water Service Agreement extends the term for an additional 15 years, corrects a few grammatical errors and includes new language in two sections for clarity purposes.

Motion by Cantrell, second by Kirklin to authorize the City Manager to enter into and sign the Second Amendment to the Water Service Agreement. All yeas, motion carried

Finance Director Keaton requested Council approval to submit two Community Development Block Grants (CDBG) applications to Montgomery County. She informed the first grant will be to replace additional ADA curb ramps at cross walks and this application will be our third round of applying for grant funding and the target range of the project is approximately $80,000. The grant would cover half of the cost. She informed the second CDBG application is to assist with funding for the handicap restrooms and sidewalks for the new Shelter #2 project at Golden Gate Park. Finance Director Keaton stated the new shelter will have a new one stall handicap accessible men's and a one stall handicap accessible women's restroom and a five foot walk that leads from the parking lot to the shelter. She informed we are requesting $94,000 in CDBG funds which was based on a recent engineer's estimate.

Member Cantrell asked if we will need matching funds.

Finance Director Keaton advised we will be paying the rest of the construction costs on the building itself as part of the Shelter #2 renovation and we are awaiting the final engineer's estimate.

Member Duncan asked if we can make a final decision once we know if we have received the grant or not.

Finance Director Keaton stated yes.

Motion by Kirklin, second by Apgar to allow Finance Director Keaton to to submit two Community Development Block Grants (CDBG) applications to Montgomery County. All yeas, motion carried.

Finance Director Keaton informed that Member Letner inquired if Miami Valley Lighting is still inspecting our street lighting equipment as they have in the past. She informed in the new Agreement, Miami Valley Lighting agrees to perform two daytime and one nighttime inspection of its street lighting equipment within Brookville each year from January 2016-December 2019 and one annual daytime or nighttime inspection from January 2020-December 2025. She stated the City is still able to continue to report any street light outages to Miami Valley Lighting as we currently have been.

Finance Director Keaton reminded that our Annual City Wide Garage Sales begin June 2 and will run for four consecutive weeks.

Public Service Director Williamson reported a few maintenance issues with some of the equipment at the WWTP and the issues were corrected.

Public Service Director Williamson informed the Service Department helped facilitate the installation of the Veteran's Memorial at Gateway Park. He stated the Memorial turned out very nice.

Public Service Director Williamson stated he participated in a recent GOBA (Greater Ohio Bicycle Adventure) coordination meeting for the upcoming event in June.

Public Service Director Williamson informed prepping is underway at West Campus Boulevard and Payless Way for hydro-seeding. He also informed that mowing season continues.

Public Service Director Williamson informed of the on-going sign replacement program in order to ensure compliance with reflectivity standards.

Member Cantrell stated the sign on Westbrook Road that says "Proud and Progressive" as you come into the City looks very bad and asked if it could be replaced.

Public Service Director Williamson stated the Service Department has been working on the safety signs and street signs but he will look into that particular sign.

Member Cantrell asked about the tree located on Westbrook Road that was brought up at the last Council Meeting.

Public Service Director Williamson stated the tree is on the list to do.

Fire Chief Fletcher had no report.

Police Chief Jerome reported the Brookville Police Department handled 240 Reportable Incidents year-to-date, compared to 215 during this same time last year. Police Chief Jerome reported Citations are down a total of 45 Citations year-to-date, for a total of 167 Citations issued year-to-date. Traffic Stops were up to 101 stops for March compared to 174 during March 2015.

Police Chief Jerome reported the Officer Down Memorial run was very successful and our community was very supportive. He stated he is still waiting on the exact number of the total to be donated to the Montgomery County Law Enforcement Fund.

Police Chief Jerome stated that as Member Letner had requested, an informal traffic study was done. He informed his concern is not Westbrook Road but Johnsville-Brookville Road where the new Library will exit onto Westbrook Road. He spoke with Paul Gruner, Montgomery County Engineer, and asked why the speed limits are like they are? He stated that from the south limits of Johnsville-Brookville Road to the point where Brookville-Piermont Road begins, near the library, we control about a half mile of that roadway and then from that point to Westbrook Road, the County/Township own that road. He informed he did some research and learned a few years ago the speed limit was lowered to 35 mph within our jurisdiction and that created a spot of road where the speed limit changed three times. Chief Jerome informed for us to change the speed limit in our traveled portion would not be difficult to do but he does not recommend it if the County is not dedicated to changing the speed limit in their area. He informed the County has requested a traffic study which could take up to two months and will count the cars and track the speed and the results will then then go before the state for approval.

Member Letner asked Police Chief Jerome what the County Engineer's opinion was on Westbrook Road headed towards Johnsville-Brookville Road because the speed limit is 45 mph and then changes to 25 mph and in his opinion can be like coming onto pit road.

Chief Jerome stated we can request a second traffic study of that area as well. He informed the reason he started the traffic study with Johnsville-Brookville Road was due to the immediate danger to the library patrons.

Member Letner asked that Chief Jerome please do that.

Member Duncan stated the timing of the study could be off with school almost being finished and the library is not open yet. He stated he is unsure how accurate the study would be if done within the next two months with no school and the library not yet opened.

Chief Jerome stated we can bump the study back to August when school resumes but that pushes the results off.

Member Cantrell stated too bad the study can't be done now.

Mayor Seagraves stated once the County's study is done it will then go before the state and they may not render a decision right away.

Member Kirklin agreed that if school is out and the library is not yet open it would not be an accurate traffic study.

Police Chief Jerome stated if Council feels the study should be pushed out to August for accuracy then he will contact the County Engineer.

Member Apgar asked what a traffic study consists of and will it count the amount of cars?

Mayor Seagraves stated a traffic study will count cars and track speed.

Member Cantrell stated by waiting until August the study would be more accurate.

Police Chief Jerome stated he will contact the Montgomery County Engineer's office and request the traffic study to be done in August to help ensure accuracy once school is in session and the new library will be open.

Member Letner thanked Police Chief Jerome for his work on the traffic study.

Law Director Stephan had no report.

Mayor Seagraves informed he attended the Officer Down 5K Memorial and the Police Department did a fantastic job and it was very well attended.

Mayor Seagraves stated he attended the 40th Anniversary celebration on May 15 of the Brookville Historical Society at the Spitler House. He informed it is a true gem of our heritage and a lot of people may be unaware of what they have to offer. He stated the Historical Society is in need of volunteers to help and additional members. Mayor Seagraves stated a membership application only costs $10 and they are open the first Sunday of every month from 2-4 p.m. and he hopes everyone might take the time to visit and enjoy all they have to offer.

Mayor Seagraves requested an Executive Session as stated in the Ohio Revised Code (121.22) on a Personnel Matter related to the Park Board.

Mayor Seagraves advised the next Planning Commission Meeting is scheduled for Thursday, May 19 at 7:30 p.m.

Motion by Duncan, second by Apgar to read proposed Ordinance No. 2016-07. All yeas motion carried.

Motion by Duncan, second by Apgar to accept the third reading and adopt Ordinance No. 2016-07 entitled, "AN ORDINANCE RENAMING PARKER AVENUE TO SAKURA DRIVE IN THE CITY OF BROOKVILLE, OHIO". All yeas, motion carried.

Motion by Cantrell, second Henry to read proposed Ordinance No. 2016-08. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the second reading of proposed Ordinance No. 2016-08. Vote on Ordinance. Members Henry, Cantrell, Apgar, Kirklin, and Mayor Seagraves voted yes and Members Duncan and Letner voted No. Motion carried with five yeas and two nays.

New Business

Member Kirklin informed the Brookville High school, Shades of Blue, recently competed in Loveland, Ohio at a regional competition and for the 2nd year in a row won first place. She wanted to congratulate the students and Ms. Cusick for a job well done.

Motion by Duncan, second by Apgar to go into Executive Session on a Personnel Matter to consider appointment of a public official as requested by Mayor Seagraves. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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

Meghan Wheeler, Clerk

David Seagraves, Mayor