BROOKVILLE CITY COUNCIL
REGULAR MEETING
June 7, 2016

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on June 7, 2016 in the Brookville Elementary Cafeteria at 3 Blue Pride Drive. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Henry, Kirklin and Letner; Manager Burkholder, Finance Director Keaton, Fire Chief Fletcher, Law Director Stephan, and Public Service Director Williamson were present. Police Chief Jerome and Clerk Wheeler were absent.

Roll Call by Finance Director Keaton.

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

Motion by Duncan, second by Apgar to approve the May 17, 2016 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves wished Member Apgar Happy Birthday.

Mayor Seagraves informed Member Cantrell's father recently passed away and on behalf of himself and members of Council he wanted to offer his condolences.

Mayor Seagraves stated staff presentations will be done first and then public comments.

Fire Chief Fletcher presented Power Point presentation.

Manager Burkholder presented Power Point presentation.

Finance Director Keaton presented Power Point presentation.

Mayor Seagraves thanked Fire Chief Fletcher, Manager Burkholder and Finance Director Keaton for their presentations. He also thanked Superintendent Tim Hopkins for allowing City Council to hold their meeting in the elementary school.

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. He informed the City will try to respond to questions on an individual basis. Mayor Seagraves informed anyone speaking should stand up and walk to the podium in the middle of the room to use the microphone and as soon as five minutes have passed he will signal the speaker their time is up.

Kim Cheatam, of 525 Adrian Court, stated this is her first City Council meeting and she is not against a new fire station, she does believe Brookville needs a new fire station. She asked why the design plan for a new fire station has changed from the initial plan in 2014. Ms. Cheatham stated she has never been asked as a citizen her thoughts on what a new fire station should look like or whether it should be a pre-engineered or a masonry building. She informed the proposed design plan is not what she would like to see as a citizen. She stated if a new fire station is built at the proposed site then a new road would need to be added where Market Street ends. She asked if the cost of a new road has been factored into the project. Ms. Cheatham asked what percentage of EMS calls comes from Clay and Perry Township and what percentage comes from Brookville? She asked what amount of money is collected from the fees that were implemented a few years ago for ambulance services, and what amount has been written off? Ms. Cheatham asked Manager Burkholder what he is doing to attract and grow businesses in Brookville. She stated she hopes Council would have factored the possibility of losing a business when they originally planned the last income tax increase. She stated that she has only seen capital improvement lists and not any information on attracting new businesses or to help grow our current businesses. Ms. Cheatham asked what

the exact title, job description and salary would be for the proposed full-time staff person as listed in the 2016 budget.

Fire Chief Fletcher informed the design process on a new firehouse started in 2008 when a group of citizens were brought together to make recommendations if the existing buildings should be remodeled or if a new building should be designed. He informed the original building proposed had a price tag of approximately three million dollars and when he and former City Manager Wright met again with the original architect in 2014 the price had gone up to approximately eight million dollars and the original architect could give no suggestions on a better way to build the original diagram or provide any ideas for a less expensive design. Chief Fletcher informed that after some investigation on the original architect, it was discovered that they had never designed a fire station before which is the main reason why the City then found a new architect with past experience on designing fire stations for other communities. He stated the key aspects of the original design were taken and added into the current design.

Fire Chief Fletcher reported the number of EMS calls that come from either township or Brookville has been requested in several public record requests and has been posted online. He stated he is unable to quote exact percentages but as he reported in his earlier presentation the number of township calls is proportionate and if there is any disproportion it is because of the way money gets split up between three fire departments and has nothing to do with one community getting better service than another. Chief Fletcher stated he is often asked the impact that Brookhaven has on EMS calls. He informed that Brookhaven is 25% of EMS calls. He stated that Brookhaven is within the city limits and is a thriving business and that business does have a demand on the Fire Department services. He informed the billing on those EMS calls is the reason citizens have not seen the Fire/EMS levy go up in several years because expenses and needs have been met through EMS billing. The users that have used the services are paying an EMS bill which has offset the need for more tax money. Chief Fletcher informed the people that use the Fire Department's services at Brookhaven all have insurance; you cannot live at Brookhaven without insurance, and therefore is the result of a very high percentage of EMS bills that are paid. He also informed that residents at Brookhaven do pay property taxes which means they are paying for City services. There are areas that the Fire Department responds to that they do not have a high level of confidence in the EMS bills getting paid. It is indicative of the community that there are good areas and bad areas when it comes to EMS bills being paid. He informed that heroin overdoses at the trailer park are typically a very low rate of return on EMS calls. Chief Fletcher stated that when people say that Brookhaven is a drain on our community they are wrong because residents of Brookhaven are paying for City services.

Ms. Cheatham stated she had wanted to know the percentage of the 1,800 calls because it was listed as 500 of those calls were in Perry Township, 500 were in Clay Township and the rest were from Brookville.

Chief Fletcher stated he cannot provide the exact percentages off the top of his head but the numbers are available online.

Ms. Cheatham stated she does not have a Facebook page to view things online and that is where she assumed this information was. She stated that Chief Fletcher had mentioned that the current design is what had been asked for and she was never asked her opinion on what a new firehouse should look like. Ms. Cheatham asked if a pre-engineered building is more expensive than a masonry building.

Chief Fletcher stated no, the pre-engineered building is a 30-year building and a masonry building is a 50-70 year building.

Ms. Cheatham again stated she never recalls being asked as a citizen if she would prefer a pre-engineered building or a masonry building.

Manager Burkholder informed the foundation of Economic Development truly begins with capital improvements. He stated any company that looks to move to Brookville will look at

transportation, water, sewer, Police and Fire services. A prime example would be for the Fairgrounds to have moved here, the extension of West Campus Boulevard would have been needed. There is still the possibility of further development in that area but the ability and logistics have to be taken into consideration for emergency vehicles to get through quickly. He stated the upcoming Arlington Road bridge project that is scheduled to begin in 2018 will be a major concern to anyone who is currently here, residents and businesses alike, to be able to get out efficiently and cost effectively. Manager Burkholder informed even new businesses looking to come to our community want to know about the upcoming project, especially those considering the Northbrook Industrial Park area which is one of the reasons the City is spending a considerable amount of time trying to plan and coordinate the Arlington Road Bridge project.

Manager Burkholder informed another important part of Economic Development is new business coming in and current business retention and expansion. He reported that within the last year the loss of two major employers made an impact on our community but in recent interviews with the businesses, they both stated their decisions had nothing to do with Brookville, simply just a business decision. He informed the City staff has worked diligently on the recent Green Tokai expansion and there has been an amazing team effort with City employees, Montgomery County, Jobs Ohio, State of Ohio and the ED/GE grant funding program in order to help fund this expansion.

Manager Burkholder advised the authorization to hire a full-time Economic Development coordinator will only help to provide a greater emphasis and larger return on our community's economic development. He informed the position only has a draft job description at this time and a salary has not been determined yet for this position or been advertised for yet.

Manager Burkholder informed that he and City Staff members have met with Brokers that are now interested in the 65 acres of ground where the fairgrounds had previously been considered. He informed the City will pursue state certification on the land which will mean the site will go through a series of qualifications and will then be listed on a state site that will advertise the land as having water and sewer and being completely ready for building. A lot of companies look at the length of time needed to be ready to build and if a City offers any incentives to the business. It takes a lot of time and effort on these types of projects. He stated one last example would be in central Ohio there is a prime industrial site on US 40, right off of I-70 that took 10 years for that property to develop from farm land and now an Amazon fulfillment center is being built. He stated it did not happen overnight, but a lot of efforts were made in order for it to happen and he hopes we can make similar major improvements here in Brookville. He informed at a recent Planning Commission Meeting Members discussed a much need downtown revitalization and what the City can do to help our smaller businesses.

Mayor Seagraves asked Manager Burkholder to give a brief explanation on the Arlington Road Bridge project and the reason the project has increased from six million dollars to nine millions dollars but at no extra cost to the City.

Manager Burkholder stated the Arlington Road Bridge project was originally projected to be a six million dollar project but is currently scheduled to be a nine million dollar project. The project is funded by the Ohio Department of Transportation (ODOT). The City will have some cost in the enhancements made to the bridge but those costs have not been identified yet. Manager Burkholder informed the City may be able to work with some of our businesses to possibly help cover the costs for the bridge to help ensure the bridge is done nicely since we only have one opportunity to replace the bridge. He informed the bridge will be going from an agricultural, two lane bridge to a three lane bridge able to handle heavy industrial trucks traveling to any of our businesses.

Member Cantrell informed on EMS calls through the year per district, Brookville had 600 calls, Clay Township had 123, Perry Township had 72 and for Fire calls, Brookville had 116, Clay Township had 26 and Perry Township had 12. She stated Brookville clearly had the

dominant amount of calls. Member Cantrell stated every month Council receives an Operations Report and it is public record.

James Zimmerlin, of 247 Plymouth Avenue, stated he does not dispute the necessity of a new firehouse but his issues lie with a tax increase and feels any tax increase should be voted on by citizens and not passed as an Ordinance by members of City Council particularly since the .25% tax increase that was passed last year only passed by 46 votes. He stated the burden of funding a new firehouse or any other infrastructure projects should not solely rest on those who work outside of Brookville but services utilized by all should be paid for by all. He asked that Council vote to withdraw the proposed Ordinance and have it go before the voters. He asked that if Council does pass the proposed Ordinance, they do so as a non-emergency legislation, which will give the opposed residents of the community the ability to place this issue on a referendum. He wanted to remind Council of Section 4.06 of the City Charter that states the definition of emergency legislation. Mr. Zimmerlin stated he does not feel the proposed Ordinance should qualify as emergency legislation and if Council members vote for the proposed Ordinance in emergency form, they are doing so in an abusive authority and purposefully trying to avoid having the issue placed on the ballot.

Matthew Williamson, of 277 Johnsville-Brookville Road, thanked Council members and other citizens for their attendance. He stated as a former Air Force veteran he feels truly blessed to live in this community. He stated his contention or ill will with the project is that he is a 25-year experienced architect living in the community and has helped design six fire stations and would like to say there are definitely cost differences between the different types of buildings and that should be analyzed. He stated the focus should not just be on the cost but of the needs of the community and the Fire Department. He suggested Council should really analyze what we need and consider the needs may be different today than they were four to six years ago. He stated the City does not need a "Taj Mahal" type fire station but an adequate, safe, efficient firehouse. He stated there should be equality for all citizens who all live in a community that they love and his problem is he pays income tax, property tax and trash services. He does not have water, sewer or natural gas but still continues for the last four years to pay the money for those because he loves the schools and the community as a whole.

Brian Smith, of 815 Flanders Avenue, stated he was thankful to have an opportunity to speak in front of Members of Council, management and public service officials and he does not envy the difficult decision before City Council. He informed he has done some research on the proposed Ordinance and he firmly believes Brookville needs a new fire station. He informed in his opinion the suggested method of funding seems questionable and as many citizens would probably agree, he thought funding for the new fire station was already accounted for with the recent .25% tax increase. He remembered in the past, Council members went door to door pleading for the passage of the .25% tax increase and stated the increase would fund significant portions of a new fire station. He referenced a past City Newsletter from Spring 2015 that he claimed detailed the reasons of how a tax increase would benefit the Fire Department. Mr. Smith stated the taxpayers were previously told they would continue to receive the tax credit they were receiving and now eleven months later even though certain circumstances have occurred, that promise has been broken. He stated it is not fair that all citizens do not pay the same percentage of income tax but that it cannot be helped due to the different cities people may work in but to go after a certain demographic that happens to live in Brookville but work outside of Brookville is just not right. He suggested Council not discount the impact this issue will have on our schools. He informed Brookville has great schools but this will affect some of our school officials and challenge other members of our community. Mr. Smith stated things have changed since 2010 and Council should put this issue before the voters.

Manager Burkholder stated income tax does affect everyone differently depending on where they work and live. He stated for the last six months Staff has been working on detailed analysis with the Finance Director, who has been doing this for many years, and it was decided by not just him, but the entire staff, that it would be financially irresponsible to have a need that is a public safety need like we have and to not do anything about it. He also stated we have a duty to the men and women of our Fire Department that protect this

community on a daily basis. Manager Burkholder stated it has been well documented, as well as he has heard every speaker at this meeting agree, the need is present, but in order to fulfill the need we have to have the funding for the next 25-years. He explained that with the unforeseen losses and since no capital improvements have really been done since 2009, or at least not at the level that should have been done, the City is behind in needed improvements and the only avenue left for funding is the tax credit. He stated Brookville is not the only community to go this route and it is unfortunate that local communities now have to bear these burdens. Manager Burkholder stated Finance Director Keaton has done more than an adequate job of demonstrating how tax cuts on the recent state income tax and other state of Ohio benefits have pushed the responsibility of local services down to the local level. He informed that many of the services that have been enjoyed over the years that helped with capital improvements were funded by the State. Manager Burkholder stated numbers do not lie and if you review over the funds generated by the .25% tax increase it is simply not enough to build a new fire station. He informed there will also be various grant and other funding opportunities the City can apply for, but if we do not move forward with this project soon, we will lose out on those opportunities. This project is not new and has been discussed for the last 12 years and in his research back through archived City records he has found that a research committee was formed back in 2004 and the current location was accepted and the property was purchased. He stated that over $210,000 has already been spent on this project and this project will only continue to get more expensive. The original building design would cost well more than the original estimate of three million dollars if built today. The reason staff has brought this before the community and Council is in order to make a decision and move forward with funding options. He stated some people may suggest moving forward even though we do not have a plan to fund the entire project, he does not recommend that, we need to be able to fund the entire project.

Audience member asked for Council to allow more time for Brian Smith to continue speaking.

Mayor Seagraves stated everyone needs a chance to speak and if one person is given seven minutes or more then everyone will want more time. He informed Mr. Smith has talked with Council Members and met with Manager Burkholder for over an hour and half and is telling us nothing more than what he has already presented to Manager Burkholder and other Members he has met with and we need to move forward.

Margaret Correale. of 825 Salem Street, stated she has a problem with the big picture and if she were to accept everything she has been told by Council and City Officials whole heartedly and she is not disputing anything, however, she feels the real issue is the City itself and the residents aren't raising enough money and it isn't fair then to penalize only one group of residents. She stated if income tax needs to be raised than it needs to be raised across the board and would affect everyone. Ms. Correale stated no one is going to dispute the need of a new fire station and she would hate to go down the path of a referendum but she would if she has to. She stated there has to be some sort of compromise and she knows that Council has a tough decision to make but, part of their job should be a way to correct integrity problems within the community for the future and to have a level of open transparency similar to the current meeting where people can come and express their opinions. She stated in her opinion the only reason a .25% levy was all that could get passed because that is all we could sell over the last ten years and we need to look at how much money is being brought in and if that is not enough then maybe the city tax needs to be increased all around.

Mayor Seagraves stated City Council Members eat, sleep and live in the community, they all live in Brookville, he has lived here his whole life and to hear someone say Council has a problem with integrity is ridiculous. He stated City Council Meetings are always open to the public and Council meets the first and third Tuesday of every month. Mayor Seagraves asked Ms. Correale when was the last time she attended a City Council Meeting?

Ms. Correale stated she has never been to a meeting but will be running for Council in the next election.

Mayor Seagraves stated that is fantastic. He loves to see people want to get involved in the community. However, you can plan to come onto Council with an Agenda of what you would like done but you also have to be able to convince three other people to agree with you. He stated Brookville is a very efficient, effective community and people want to live here. If you talk to a realtor, houses go quickly here because it is such a great community. He stated he strongly disagrees with Ms. Correale's statement that Council has an integrity problem.

Ms. Correale stated she did not say Council Members individually had integrity problems but there was an integrity problem within the community.

Dale Dittrick, of 845 Kimmel Trail, stated he has been a Brookville resident/homeowner for the last ten years and has seen the growth with Brookville and the opportunities lost. He stated the proposed change will have no impact on retired or disabled residents who pay no local income tax. The City has already attempted to fund the proposed new fire station through a onetime federal grant. Mr. Dittrick informed in the last few years if anyone has noticed a reduction in their homeowner's insurance that should be due to the improved fire insurance rating the fire department has achieved and this fire insurance rating improvement may yet continue as the new fire station can provide additional capabilities not available at this time. He detailed another Montgomery County Fire Department that recently reached out through the news media to recruit new members and the new federal laws that have restrained fire services in the use of their fire and EMS personnel. These restraints have caused staffing issues to which this new fire station can be an enhanced advantage when trying to recruit new members. He stated the ability of the Fire Department to gain new members keeps this community better protected and federal constraints, lesser state funding and a loss in the City's employment base are all conditions that have led to difficulties in maintaining the quality fire and EMS service we have all come to know, appreciate and respect. He informed that many longtime residents have seen the Fire Department evolve from an all-volunteer service to a paid-on-call and part-time operation and this change is something that the new facility will address as the safety and security of the on-duty crews will be greatly improved. Mr. Dittrick stated the improved protection of the fire departments multimillion dollar apparatus with this new facility and the enhanced hygiene and respiratory protection afforded the personnel, are all areas the new facility will provide. He stated everyone with an attached garage should be able to see the fire and safety hazards our current firehouse poses and over 60 years ago when the main fire station was built these hazards were not known or not as critical. He stated limitations upon the fire and EMS vehicles could exist if the current facilities continue to be utilized and for fellow residents to not limit our fire and EMS vehicles by being housed in outdated stations. Mr. Dittrick asked how many residents reside within the same household that they did 60 years ago? How many have had to make improvements within their homes due to safety and personal needs? He informed so does the Fire Department because safety, health, building standards and the longevity of the facility are all factors that this new facility would offer and as the Brookville community has grown and improved, so too must the fire facilities. He stated as increasing expenses exist in so many other services, so does this need to support a more adequate and modern facility to house our fire and EMS equipment and its personnel.

Mr. Dittrick informed he has personally been in a facility during a storm that the fire station could have blown over. He described the personnel that lived through that storm gave a terrifying story of how apparatus was flung through the air and they were clutching onto things the best they could to avoid being thrown out of the building. He stated Brookville recently missed a tornado by just a few miles and how would people feel if they called 911 during a tornado for help and were told no help was available because their emergency building had collapsed. He informed this is just an example of why we need a strong facility to house our Fire Department and equipment.

Lillian Martin, of 3 Deger Court, stated she has lived in her home in the Terrace Park plat for the last fifty years and has put a lot of time and money into her home. She stated she and her husband are getting up there in age and do not want to move out of their home but Terrace Park has become very run down and sometimes can look like a slum area that she is embarrassed to tell people where she lives. She stated the infrastructure in the plat is horrible

and some people in the plat seem to not take care of their homes. She would like to see some changes made to the area. Ms. Martin stated she is not against a new fire station.

Bruce Garber, of 434 Sycamore Street, stated if you have a 1% tax levy then you have people that will be living with 1% less of their money and that will have an impact on our local businesses. Mr. Garber used McMaken's as an example of a small business in Brookville because a 1% tax increase would take almost $800,000 from the local economy per year. A portion of McMaken's IGA profits come from being a local store providing convenience to its local residents, however, price and convenience may not be a priority when people have less money to spend. Mr. Garber asked what would this town be like without McMaken's? He stated to consider the impact this would have on elderly residents, the schools etc. because $800,000 is a lot to lose from the local economy and everyone will feel it. He stated it may also affect people considering the purchase of a home in Brookville because they would have to pay that extra 1% in City tax and that would make Brookville less competitive in the real estate market and may cause rental properties to have to lower their rent rates which could affect proper maintenance to be kept up. He stated this is not free money by any means. Mr. Garber informed that if you compare Brookville to other cities that have passed a similar type of legislation, for instance, Springboro, New Carlisle, or New Lebanon they all have very little industry, all bedroom communities with some commercial but no industry like what Brookville has. Mr. Garber stated when the current City Manager was hired last year it was his impression that the City Manager would be in charge of Economic Development but instead the Manager has proposed hiring a full-time person to be in charge of Economic Development for him instead with a salary of approximately $95,000. He informed that Economic Development should be the responsibility of the City Manager and to not have a new position created.

Michelle Landis, of 100 Arlington Road, asked how many Council Members this proposed tax Ordinance would affect. She stated for her this tax ordinance is one extra house payment per year and she is not questioning the need of the firehouse but the process Council has taken to get this tax Ordinance approved. It was not put to the people for a vote to have their voices heard, instead it was brought up at Council Meetings and had it not been for people trying to spread the word. it would have gotten passed quickly and swiftly under the rug. She stated she knows Council is working within their rights but does not feel what they are doing is reflective of what the citizens want and it leaves a "bad taste" in a lot of mouths. She stated she questions the process more than any of the projects or future improvements that City officials have stated they would like to see done.

Mayor Seagraves stated the proposed Ordinance will affect him just as much as anyone in the audience. He informed everything Council Members have done has been ethical. He stated the City advertises every month in the Brookville Star and posts online the dates of all City Council Meetings, which are the first and third Tuesday each month and always encourages citizens to come and voice their opinions at Council Meetings because Council is not trying to "sweep anything under the rug" and they try to provide adequate announcement to allow people to attend and participate in meeting. Mayor Seagraves stated there are approximately 6,300 people that live in town and there is a small amount of residents represented at this meeting. He stated Council Members will vote on this proposed Ordinance and they are following the book and have consulted with the Law Director on the process and hopefully after the vote tonight can move forward.

Ms. Landis asked if Council Members even know the number of people this proposed Ordinance will affect.

Member Cantrell stated that information is available.

Member Letner stated Council would be happy to provide that information.

Finance Director Keaton advised she has been working with the City of Vandalia, who administers our income tax collections, to determine an exact number and the exact number cannot be extracted from their software. She stated the City of Vandalia provided the total number of active individual accounts in 2014 was 3,405, that does not mean one person per

account but means the numbers of W2(s) counted. The number of W2(s) in 2014 posted to the system was 4,368 and of that number the income earned in a non-tax jurisdiction was 554 and that number represents those that work in a township or a municipality with no income tax. The number of W2(s) posted for income earned in other jurisdictions was 2,583 or 59.2%.

Lana Wilder, of 64 Urban Lane, stated she is not opposed to a new fire station but the way Council went about trying to fund it. She informed it would have been very nice for Council to mail a letter out to everyone in Brookville letting them know of their plan. She informed that not everyone has access to the Internet or has a Facebook account and has had to learn of this by word of mouth. Ms. Wilder stated she is worried about single moms who are on a fixed income that have come to Brookville because of the school system and may struggle paying an extra 1%.

Member Cantrell stated that if someone lives in Brookville and works outside of the City and has to pay $1,000 extra for the 1% than that means that persons earns $100,000 per year and if someone only earns $20,000 than they would not be paying $1,000 but only $200.00 per year. She stated she wanted to clarify because people keep saying this fire station will cost them $1,000 per year and it will not cost everyone that amount. Member Cantrell stated it is hard to watch friends attack friends over something this community should be basking in and not trying to tear it down. She stated this conflict has become nothing more than differences in personalities and not about the real issue and there is just too much misinformation floating around. She stated people should be ashamed of themselves for their behavior.

There was uproar in the audience.

Member Cantrell stated, if you do not want to pay the tax then why did people vote on the recent tax increase.

Stephen Crane, of 847 Flanders Avenue, stated he is questioning the method and most people support the fire station and future capital improvements and love living in Brookville.

Randy Denlinger, of 9 Villa Circle, wanted to address the issue of working in Brookville but not living in Brookville like the City Manager.

Member Apgar stated the City Manager lives in Brookville.

Mr. Denlinger stated no he doesn't.

Manager Burkholder stated he pays 2% City income tax to Brookville.

Mr. Denlinger asked about the Fire Chief.

Fire Chief Fletcher stated he lives in the City of Englewood and pays 2% Brookville City tax.

Mr. Denlinger stated Mayor Seagraves has attacked people of this town and that is out of character for him. He then asked what is the plan for the current two fire stations?

Fire Chief Fletcher stated he has made recommendations on the existing fire stations.

Mr. Denlinger stated he does not want to hear about recommendations made he wants to know what is planned for the existing fire stations and if Council has considered downsizing the size of the proposed new station and using the existing stations for storage or maybe a training facility.

Mayor Seagraves stated Council has considered multiple ideas for the existing two fire stations.

Mr. Denlinger asked if the City really needs another community room in this town? He asked if we can build for what we need now with plans for expansion in the future. He stated these are all things that should be taken into consideration.

Manager Burkholder stated all of the items Mr. Denlinger has suggested have been discussed. Chief Fletcher brought up a lot of these thoughts in the very first presentation he presented to Council a few months back. He informed the thought of re-purposing Station #2 to house the Service Department vehicles have also been considered. He stated by having everything under one roof does affect response times in a positive way compared to having three different facilities.

Mr. Denlinger asked training areas and extra rooms.

Manager Burkholder stated all of these items have been discussed at past Council Meetings over the last two months.

Fire Chief Fletcher stated if Mr. Denlinger is referencing if we have considered some of these options, then yes we have, but they may have not made it into the final plans for certain reasons because there are cons to a lot of the pros that Mr. Denlinger has suggested.

Mr. Denlinger asked what if we lose another business and we are on the hook for some $400,000 payment for the next 25 years?

Mayor Seagraves stated that is why Council has considered the tax credit. There is no other alternative at this time.

Mr. Denlinger stated it could still go on the ballot for everyone in Clay Township, Perry Township and Brookville to vote on.

Curt Schreier, 157 Timberwolf Way, stated he previously sent a letter to Council stating his concerns. He stated we do need a new fire station in this community and he thanked his fellow citizens for all of their information they have given out tonight. He stated it seems Council has clarified a few areas of concern. Mr. Schreier stated the City of Clayton has done something similar to this and they spent six months during their process of having meetings and forums for everyone to state their opinions. He stated there is an alternative approach, a tax levy on the ballot. He informed he heard Phillipsburg and Verona have approached Clay Township and stated they would most likely be in favor of a 3.5 million dollar levy if Brookville did it also. If Phillipsburg, Verona, Clay Township, Perry Township and Brookville all went together for a proposed 3.5 mil tax levy then it could be dedicated to the Fire Department for a new station and would deduct $380,000 from the budget. He stated the difference between a tax and a tax levy is a tax is direct on income and a levy is based on property values and a 3.5 mil levy would result in $130.00 per $130,000 valued property vs. a family making $80,000 per year combined would result in approximately $600.00 per year. He suggested allowing a smaller rollback vs. the current full rollback and instead do a .25% rollback at a time. The overall tax burden would still be less. He stated he understands the rollback and the 3.5 mil levy would all have to go through at the same time and that it is not a sure thing. He informed he is not sure of the best way to fund a firehouse but he does not think only people who work outside of Brookville should have to pay for it, that everyone that uses the services should be responsible to help pay for the new firehouse. Mr. Schreier stated if a referendum occurs it will not be a pleasant thing.

Mayor Seagraves thanked everyone for their comments.

Manager Burkholder reported there has been a lot of activity going on within the City offices and a lot of projects.

Manager Burkholder informed of the upcoming 90 minute Work Session meeting for all members of Council and the Department Heads for June 23 at 6:30 p.m. 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.

Finance Director Keaton requested Council approval of the May 31, 2016 Fund Balance as presented.

Motion by Kirklin, second by to approve the May 31, 2016 Fund Balance. All yeas, motion carried.

Finance Director Keaton reported the City received three bids for the Parker Avenue Roadway Extension Project and she recommends Council accept the lowest and responsible bid from Brumbaugh Construction, Inc. in the amount of $149,915. She informed this roadway project is partially funded with a $55,000 Ohio 629 Grant and $45,000 ODOT Jobs and Commerce Economic Development Grant, with the City contributing the balance as part of Green Tokai's Manufacturing and Logistics Expansion Project that received ED/GE grant approval last fall.

Motion by Kirklin, second by Apgar to accept the bid for the Parker Avenue Roadway Extension Project from Brumbaugh Construction, Inc. in the amount of $149,915. All yeas, motion carried.

Finance Director Keaton requested Council authorization to allow the City Manager to sign the Montgomery County ED/GE Program Project Agreement. She reported the Spring 2016 ED/GE funding recommendations were recently released, and our ED/GE Application submitted for Green Tokai Manufacturing Expansion Project was approved for $50,000.

Motion by Apgar, second by Kirklin to authorize the City Manager to sign the Montgomery County ED/GE Program Project Agreement for the Green Tokai Manufacturing Expansion Project. All yeas, motion carried.

Public Service Director Williamson stated he has no formal report but wanted to advise of a recent water main break on Maple Street and the Service Department was able to respond and repair the break. It was a small split on the bottom of the pipe. He informed the area is scheduled to be replaced later in the year as part of the Maple Street Waterline Replacement.

Member Kirklin asked for clarification if the water main break was part of the older water line on Maple Street.

Public Service Director Williamson stated yes.

Fire Chief Fletcher presented the May 2016 Operations Report. He stated another record month and the busiest May in the history of the Fire Department. He reported the Fire Department continues to be very busy with emergency activity and it is currently the time of year for hydrant maintenance, fire hose testing, fire pumping and in-house testing, all required for personnel to work on this time of year.

Mayor Seagraves stated Police Chief Jerome is out of town and Major Tom Simon is present on his behalf.

Major Simon reported the Police Department has a provisional Ohio Collaborative Enforcement Agency Certification. He informed with all of the negative press and encounters that Law Enforcement has recently had, a committee was put together to create a standard for Law Enforcement when it comes to hiring. Each law enforcement agency in the State of Ohio has to become certified and Brookville received their provisional certificate on May 27th and is pending an in-house inspection which is scheduled for June 21, 2016. He stated he does not anticipate any problems with the inspection and after the 21st they will be fully certified.

Law Director Stephan reported the Ohio General Assembly has established through the recent passage of S.B.11 the Volunteer Peace Officers' Dependents Fund which provides death benefits to survivors of Volunteer Peace Officers killed in the line of duty and disability benefits to such peace officers who are totally and permanently disabled as a result of a line of duty injury. He informed S.B.11 requires municipal governments that employ

volunteer police officers, as defined in ORC 143.01(c), to establish a Volunteer Peace Officers' Dependents Fund Board.

Law Director Stephan advised proposed Resolution No. 16-08 will establish the City of Brookville Volunteer Peace Officers' Fund Board and the Fund Board is to consist of two members chosen by City Council, two members chosen by the volunteer peace officers of the City of Brookville, and one member chosen by the other board Members.

Law Director Stephan requested Council approval on proposed Resolution No. 16-08 which appoints Anne Kirklin and Sherron Henry to serve on the Fund Board as the City Council appointed members for the initial term ending December 31, 2016.

Motion by Kirklin, second by Apgar to read proposed Resolution No. 16-08. 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. 16-08 entitled, "A RESOLUTION TO ESTABLISH THE CITY OF BROOKVILLE VOLUNTEER PEACE OFFICERS' DEPENDENTS FUND BOARD, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Mayor Seagraves had no report and thanked everyone for coming.

Mayor Seagraves requested a five minute recess for restroom breaks and stated Council will resume at 10:05 p.m.

Mayor Seagraves called Council back into Regular Session.

In Old Business, motion by Kirklin, second by Cantrell to amend Ordinance No. 2016-08 to declare an emergency by amending the title of the Ordinance to add "and declaring it an emergency", and to replace the existing Section IV with the following provision to specify the reason for the emergency: "This Ordinance is hereby declared to be an emergency measure that is necessary for the immediate preservation of the public peace, health safety or welfare of the citizens of the City of Brookville for the reason that it is necessary to pass this Ordinance in emergency to provide timely notice to taxpayers affected by the provisions of this Ordinance, to provide adequate time to prepare new tax forms that shall comply with the Ordinance, and to permit the City of Brookville to immediately proceed with applying for certain grants and bond financing for certain necessary infrastructure projects that requires the income tax revenue that will be generated by this Ordinance."

Mayor Seagraves called for a vote. Members Apgar, Cantrell, Duncan, Henry, Kirklin and Seagraves voted yes and Members Letner and Duncan voted no. Motion carried with five yeas and 2 nays.

Motion by Letner, second by Duncan to table the reading of Proposed Ordinance No. 2016-08. Mayor Seagraves called for a vote. Members Letner and Duncan voted yea, Members Apgar, Cantrell, Henry, Kirklin and Seagraves voted no. Motion did not pass.

Member Duncan stated before a vote on Ordinance No. 2016-08 is done he wanted to state that this is the second time he has been on Council when they have passed something as an emergency that they knew the citizens did not want. He stated the last time this happened was the fairgrounds and after it passed a petition was circulated that was signed by about 8-people requesting for a review of the Charter and the possibility of taking away or reviewing the emergency clause. He stated he would support a review of the Charter to remove the emergency clause on certain things. Member Duncan stated by passing this Ordinance as an emergency all it is doing is taking away the rights from the people of Brookville.

Member Letner stated a few meetings ago he mentioned by doing the .25% tax increase by a vote on the ballot was a method of "going through the front door" and by passing this legislation without a vote should be considered "sneaking through the back door." Member

Letner stated the firehouse is not a luxury but a necessity, and he was told by a citizen we do not need a Cadillac type firehouse but more of a Malibu style firehouse. He stated Council should do the right thing by tabling this vote and taking more time to listen to the people and their thoughts.

Member Kirklin stated she would like to express her appreciation to the people who have come to share their thoughts and have done their research. She stated this is not about a firehouse anymore. When you look at the numbers Finance Director Keaton has shared with you regarding to our infrastructure and how it has been neglected for the at least 10 years for a variety of different reasons and look at the funds from the .25 % tax increase. She encouraged everyone to review over the August 25, 2014 Council Minutes when it was discussed and she robustly questioned whether or not a .25% increase would be enough to take care of the major capital improvements our City so desperately needed. She agreed with Manager Burkholder's point on not being able to push economic development because you cannot experience growth when parts of our City are beginning to look like Trotwood. The sewer lines that are more than 50 years old, water and sewer lines are beginning to crumble and are not sufficient. There is no one that would want to be in this position less than her, it is a very difficult decision and it is easy for everyone to lose sight of the big picture of what our City's needs are. She stated a firehouse is part of that but is not all of that. We have to look beyond that and by putting a band aid on a sucking chest wound is how we have gotten into this position in the first place. She stated City Council has made a commitment to be a more strategic, forward thinking Council and that is what they have been called to do. She stated this is not about what they can put a band aid on today and then run around later trying to figure out how to solve it when everything is crumbling under our feet. Member Kirklin stated this is not easy and is a difficult situation to be in but she cannot within good conscience knowing what our City's needs are from the breath and the depth and know the cost and the hurdles we will encounter and cannot in good conscious not take this step for our City.

Member Apgar stated the Chamber of Commerce slogan for Brookville is "Proud and Progressive Community." He stated a proud community is one with many City services offered to our residents, an excellent school system, a good mix of business and industry, churches, Chamber, clubs, organizations and especially the dedication from all the people that make all these things happen. Member Apgar stated he is very proud of Brookville. Brookville has been progressive at a steady pace over the years, which is very good. However, it has slowed down in recent years and we must maintain the City so it progresses and does not go backwards. He stated maintenance of our community is very important. Member Apgar described some projects needed to maintain and enhance our community within the next five to seven years would be: a new fire station, Terrace Park Boulevard area (which should have been done a long time ago) the replacement of Shelter #2 at Golden Gate Park, Market Street extension, facility repairs and upgrades to include technology upgrades, a couple of more employees in the Service Department, need to increase the number of streets to pave each year (this has been cut back over recent years), enhance various other parts of the community and these are just a few of the projects needed. He asked how we can come up with these funds. Member Apgar stated our City Staff has spent a lot of time reviewing over budgets and various ways of funding both the fire station and other needed projects and have determined that Ordinance No. 2016-08 is the best solution. He stated he must do what is best for the community as a whole.

Member Henry stated she is the newest member of Council and everyone told her she would have fun, but so far, she has not had a lot of fun. She informed when she was sworn in she took her oath very seriously to uphold Brookville's Charter and Ordinance. She informed she is very proud to be a part of Brookville and promised to do whatever it takes to maintain and move forward with the needs of our City. She described that everyone present is all a part of Brookville, all friends, neighbors, and boosters. Brookville always pulls together in both good and bad times and this is not an easy decision for any of Council especially her as she is so new. She informed she has talked with and met with many citizens and listened to their thoughts on this matter. She has struggled with her feelings and emotions but she totally trusts our City Manager and Finance Director and the numbers show that we need more funds in order to make the improvements needed and not just for a new firehouse but

for all of the infrastructure, the sewer and water lines that severely need done. She stated there seems to be no other way.

Member Cantrell apologized for her earlier outburst and stated it has been a rough day. She asked how many present will actually be affected by the proposed Ordinance? She stated, so not everyone present will be affected. Member Cantrell informed when she first moved to Brookville from San Diego in 1999, she was very impressed with the community; she had lived in Detroit, New Jersey and San Diego and felt she had really found a home. She found a city that was bound together with a common goal of the castle playground and witnessed the same community spirit again with the plans for the new school grounds to be built. She stated her experience as a business owner and Chamber President have given her a real appreciation for all that our City has to offer. She has watched and participated in the Payless project and countless community picnics. Since then, all of her time and energy has been devoted to being on Council and to make sure our City survives and prospers. She stated she has heard many citizens whom have been residents longer than her talk about the old grocery store or movie theatre and other business that no longer exist and each year we seem to lose more and more. Member Cantrell stated she would like to see Brookville come back to some sense of that former life. She has watched over the last several years Council spend money on improvements like new curbs on Salem Street and repairs to Westbrook and many other improvements and she felt very encouraged by those improvements because Brookville is a small community of 5,000 people and look what is getting done but then everything came to a stop and has anyone seen any street improvement lately or noticed how bad the curbs look on the island of Wolfcreek and Arlington. Those curbs are in a total state of disrepair and who is going to pay for that repair. She stated there isn't enough of the $65,000 estimated amount left from the tax increase to pay for everything that needs to be done.

Mr. Garber stated the City is already getting 2%.

Member Cantrell asked to be heard as she listened to everyone else in the audience.

Mayor Seagraves stated for Member Cantrell to be able to speak without interruption and that Mr. Garber is out of line and if he has one more interruption he will be removed.

Member Cantrell stated at monthly Council Meetings over the last 10 years Council has heard about the possibility of the Inheritance Tax going away, investments disappearing, building permits going away, they have heard about all of this government funding that could possibility disappear and then how will we continue to pay for how things get done.

Member Cantrell tried to ask Mr. Garber a question but he was leaving the meeting and she asked him to wait.

Mr. Garber stated he was asked to leave.

Mayor Seagraves stated he was not asked to leave but warned if he had another comment that was disruptive he would be removed.

Member Cantrell stated that Mr. Garber has formerly stated that he is independently wealthy then why doesn't he help contribute and the new firehouse can be named after him.

Mr. Garber stated he is objecting to the proposed funding for a new firehouse as a matter of principle. He stated he does not care and what Council is doing is unethical.

A member of the audience asked Mr. Garber why he dropped off of Council and that had he not he could have had a vote in the matter.

Mr. Garber stated he could not be a part of it.

Another member of the audience called Mr. Garber a quitter.

Member Cantrell stated to continue to grow and thrive and compete like other cities that we read about in the newspaper that are attracting new large businesses to their communities, like Vandalia who is getting a new business with approximately 400 employees. She stated these communities are getting these things because they have paid attention and invested in their infrastructure because a community will not attract a million dollar investment if they do not take care of their curbs, sidewalks, streets and the City as a whole. Member Cantrell stated her former car lot and the building next to it and multiple other buildings remain vacant throughout our town and what will it take to grow the community rather to let it go by the wayside. She stated it needs an investment, the City is not a business that can go out and sell something to raise money. She stated the City has to gain it from the citizens and unfortunately as Manager Burkholder reported a lot of other cities have had to do similar Ordinances with their income taxes. She stated Brookville does not have a huge commercial business base and what will happen in five years at the end of Payless's 15-year lease if they decide to move out of Brookville and we've invested in this new fire station because if that happened we would then lose out on about 800 jobs and then how will be able to make the loan payments. She stated if we do not get this money from somewhere we cannot do anything, not just the firehouse but the roads, the needed improvements in Terrace Park, how we can allow a community for first time home buyers to thrive instead of turning it into a community that no one wants to live in. Member Cantrell stated that many have written letters or made comments that stated, "Don't do this to our City and don't make this a place no one wants to live" but she agrees and does not want to make this a place no one wants to live which is why, as unpopular as it may be, and why people who were once her friends no longer want to speak to her, she is going to go ahead and vote in emergency fashion because it is important.

Member Duncan stated it is not an emergency.

Member Cantrell stated it is not an emergency yet but will be very soon.

Yvette Martin, of 242 Mound Street, stated this is the first Council Meeting she has ever attended and it seems the concensus of those in attendence would be that Council wants the community to be happy and wants everything that has been discussed but would like to see everything laid out and not just swept under the rug and maybe if put before a vote it would help the community feel more trust toward Council Members. She informed she has never been to a Council Meeting before and is not trying to be condenscending but she has lived in Arlington Woods, Terrace Park and currently lives on Mound Street and she does not live in a trailor park but does not appreciate the earlier comment that was said about those who live in the trailor park do not pay for EMS services as well as those who do not live in a trailor park. She stated it hurts her heart to hear comments like that as well as the comments made that stated the citizens were anti-growth or establishment because those are not right either. Ms. Martin stated she is sorry for the loss of Member Cantrell's father and that she had to be present tonight, but in her opinion, she has seen unprofessionalism and is just blown away by certain behavior.

Member Cantrell stated that Council Meetings are held twice a month and there have been many Council Meetings where only four citizens have attended and she doesn't understand why.

Tom Brandt, of 183 Brooke Woode, stated until recently, things seemed to be going pretty smoothly in town and now Council is trying to screw it all up.

Member Cantrell stated this is what she meant earlier about this issues has become more about personality. She stated this should not be about personalites but the matter at hand of the needs of the community.

Mayor Seagraves called order and stated this is a challenging time and he gives his heart and soul to Brookville and he did make a few discouraging comments that he regrets but he eats, sleeps and lives here and has been on Council for 36 years and this is one of the toughest challenges he has come by. He informed we can kick the can and blame the enonomy but since the 2010 vote there has not been a lot done with the fire house issues and unfortunatley

we have come to a crossroads and the concerns have to be addressed. He wished he had a magic wand but Council will do the best they can because they have been elected by the citizens and have the best interest of the community at heart. He stated he travels a lot to other communities and there is no place like Brookville. It hurts him when he hears negative comments about Brookville becasue once you get out there, you will learn that most communities do not treat their residents as well as Brookville does. He stated he is not trying to bash the former City Manager or where we are going in the future but this decision has to be made. Mayor Seagraves stated he is sure if former Manager Wright could have had his way than he would have done all of the capital improvements needed but his hands were tied and there is nothing we can do about it now but move forward and try to make the right decisions. He stated everyone has the right to vote and the right to run for an election, it is tough but he feels Council works well together and they are a team and they may not always agree on everything but they are trying to make Brookville grow and be a better place.

Mayor Seagraves stated he wanted to address an issue earlier brought up about Manager Burkholder. He stated that Manager Burkholder is a resident of Brookville and he does pay 2% city taxes to Brookville. Mayor Seagraves stated Manager Burkholder's residence was checked into by Ordinance and Law Director Stephan can validate, there is no stipulation on where the City Manager lives and that Manager Burkholder is in Brookville Monday through Friday and where he chooses to go on the weekends is his own business. He stated it was never asked of former Manager Wright or anyone else where he went on the weekends. He would like the misconception to be stopped because the law does not allow us to mandate where the manager lives and decisions should not be based on heresay but on facts. Mayor Seagraves thanked everyone again for their attendence.

Motion by Kirklin, second by Apgar to read proposed Ordinance No. 2016-08 as amended. Mayor Seagraves called for a vote. Vote on Ordinance as follows, Duncan-No, Letner-No, Apgar-yes, Henry-yes, Cantrell-yes, Kirklin-yes, and Mayor Seagraves-yes. Motion carried with five yeas and two nays.

Motion by Cantrell, second by Kirklin to accept the third reading and adopt proposed Ordinance No. 2016-08 entitled, "AN ORDINANCE AMENDING SECTION 194.081 OF THE CITY OF BROOKVILLE MUNICIPAL INCOME TAX CODE, AND DECLARING IT AN EMERGENCY." Vote on Ordinance as follows , Apgar-yes, Cantrell-yes, Henry-yes, Kirklin-yes, Mayor Seagraves-yes, Duncan-no, Letner-no. Motion carried with five yeas and two nays.

Motion by Cantrell, second by Kirklin to read proposed Resolution No. 16-09. All yeas, motion carried.

Motion by Cantrell, second by Kirklin to accept the first reading, dispense with the second and third readings and adopt Resolution No. 16-09 entitled, "A RESOLUTION TO CONSENT AND COOPERATE WITH THE DIRECTOR OF TRANSPORTATION FOR MILL AND RESURFACING OF JOHNSVILLE-BROOKVILLE PIKE FROM WESTBROOK ROAD TO BROOKVILLE PYRMONT ROAD WITHIN THE CITY OF BROOKVILLE, OHIO MONTGOMERY COUNTY, OHIO AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Cantrell, second by Kirklin to read proposed Resolution No. 16-10. All yeas, motion carried.

Motion by Apgar, second by Kirklin to accept the first reading, dispense with the second and third readings and adopt Resolution No. 16-10 entitled, "A RESOLUTION TO CONSENT AND COOPERATE WITH THE DIRECTOR OF TRANSPORTATION FOR MILL AND RESURFACING OF WOLFCREEK STREET FROM WESTBROOK ROAD TO MARKET STREET IN THE CITY OF BROOKVILLE, OHIO MONTGOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Cantrell, second by Kirklin to go into Executive Session as stated in the Ohio Revised Code as ORC 121.22 (G)(8) to consider confidential information of an applicant for an Economic Development assistance. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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

Sonja M. Keaton, Finance Director

David Seagraves, Mayor