

BROOKVILLE CITY COUNCIL
REGULAR MEETING
February 3, 2009

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on February 3, 2009 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Garber, Letner and Reel; Assistant Manager Sewert, Law Director Stephan, Fire Chief Nickel, Police Chief Preston and Director of Finance/Clerk Keaton were present. Manager Wright, Members Duncan and Ullery were absent.

Motion by Reel, second by Letner to accept the Agenda as presented. All yeas, motion carried.

Motion by Cantrell, second by Garber to accept the January 20, 2009 Regular Meeting Minutes as presented. All yeas, motion carried.

Steve Hughes, of 12 Harshman Street, stated his mother's car, which was being driven by his niece, was towed by Weaver's Towing on January 1, 2009. Mr. Hughes stated his mother contacted Mr. Weaver to get her empty oxygen tanks and medicine, which were in the car and she was willing to give Weaver's Towing the title to her car. Mr. Hughes stated he made arrangements with Mr. Weaver to pick up the car on a Friday afternoon. Mr. Hughes stated he arrived one half-hour late and Weaver's Towing was closed. He tried on two occasions on Saturday morning to reach Mr. Weaver, but was unsuccessful. Mr. Hughes stated he has a copy of a towing contract from another towing company, and he knows that our contract states the hours Weaver's Towing needs to be available to release a towed vehicle, and Weaver's Towing was not available. Mr. Hughes stated that Weaver's Towing is charging a towing and storage fee that is in excess of what the contract states. Weaver's Towing is still refusing to release the oxygen tanks and medicine. Mr. Hughes stated Mr. Weaver was being belligerent on the phone with his mother. Mr. Hughes commented that Sergeant Jerome accompanied him to Weaver's Towing, and Mr. Weaver was also being belligerent with Sergeant Jerome.

Police Chief Preston reported he, along with Manager Wright and Law Director Stephan are currently reviewing the issues raised by Mr. Hughes. Weaver's Towing is violating their contract if they are charging fees in excess of what the contract states, and they are not available during the stated hours in the contract. Police Chief Preston stated the staff will be addressing this issue in a meeting tomorrow and we can follow up with Mr. Hughes.

Member Garber inquired if we have language within the contract that allows us to cancel the Contract.

Law Director Stephan stated there is language in the contract that states the contract can be terminated by either party upon thirty days written notice and there are other provisions in the contract that allows us to terminate the contract immediately upon violation of certain provisions of the contract.

Garnett Buckley, of 31 March Avenue, inquired if the City knew how much money was made during the Christmas Knights light display.

Member Garber commented that we do not have that information; the City did not have any costs involved in the light display this time.

Ms. Buckley commented that she wonders if it is worth having this light display in future years. Ms. Buckley stated she is disappointed with the clubs that participated in this display. She heard the attendance was pretty low, so they probably didn't make much money.

Assistant Manager Sewert presented the Manager's Report.

Assistant Manager Sewert reported Council should have a copy of a letter from the Montgomery County Job Center that was mailed out to local displaced workers of Phoenix Building Solutions, Inc., which recently ceased operations here in Brookville. The letter states a meeting is scheduled to share resources that are available to individuals that have been dislocated from their place of employment.

Assistant Manager Sewert reported handicap signs that were discussed at the last Council Meeting have been installed.

Assistant Manager Sewert reported the City took possession of the dump truck that was being sold on GovDeals at a cost of \$27,100. This was considerably lower than the maximum bid of \$31,000 that Council authorized.

Assistant Manager Sewert reported the Service Department continues to be extremely busy this winter and since the last Council Meeting, they have repaired four water main breaks and dealt with the heaviest snowfall of the season. The employees have worked diligently with very few complaints from citizens.

Member Reel commented the Service Department did a very good job on snow removal; much better than Clayton or Vandalia.

Fire Chief Nickel presented a new report that he can now print from his new EMS reporting software. The report indicated that the overall average response time for a Brookville medic to arrive at a scene is 4.56 minutes, which is way below the national average. Fire Chief Nickel reported there were 60 Fire/EMS calls between January 20 and February 3, 2009. Fire Chief Nickel reported the Brookville Fire Department received mutual aid on two separate occasions and provided mutual aid on one occasion during this time frame. Of the 60 calls, we had 206 personnel that responded, which averages out to four personnel per call.

Member Garber inquired if this report could include the geographic area of the calls.

Fire Chief Nickel stated that could be included.

Police Chief Preston reported he received a response letter from the Montgomery County Engineers on Council's concerns relating to the Brookville-Salem Road and Upper Lewisburg-Salem Road intersection. The letter states the study is not scheduled to be completed until April 2009, due to current weather conditions.

Police Chief Preston presented the Brookville Police Department Incident Log from January 20 through February 2, 2009. Police Chief Preston reported there were 14 new cases for investigation with 13 of those closed and one pending further investigation.

Law Director Stephan had no report.

Finance Director/Clerk Keaton presented the January 31, 2009 Fund Balance for Council review and approval.

Motion by Cantrell, second by Garber to accept the January 31, 2009 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council adopt proposed Ordinance #2009-03, which approves and authorizes the acceptance of an Engagement Letter from Benesch, Friedlander, Coplan & Aronoff LLP. The City has retained Stephen Grassbaugh, formerly of Peck, Shaffer, & Williams LLP, as bond counsel over the last few years, and now Stephen Grassbaugh has joined the law firm of Benesch, Friedlander, Coplan & Aronoff LLP. Finance Director Keaton stated she and Law Director Stephan would like to continue to work with Stephen Grassbaugh as he is familiar with our debt.

Motion by Garber, second by Cantrell to read proposed Ordinance No. 2009-03. All yeas, motion carried.

Motion by Reel, second by Letner to accept the first reading, dispense with the second and third reading and adopt Ordinance No.2009-03 entitled "AN ORDINANCE APPROVING AND AUTHORIZING THE ACCEPTANCE OF AN ENGAGEMENT LETTER FROM BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton reported proposed Ordinance No. 2009-04, which is before Council tonight, authorizes the issuance of Notes in an amount of \$1,085,000 to retire, together with other moneys the City's outstanding 2008 Note dated April 24, 2008 and maturing on April 23, 2009. The outstanding Notes were issued to pay costs of acquiring real property and constructing a new street. Finance Director/Clerk Keaton reported since we are paying off the costs of acquiring real property, we have a new title for our Note. Council should have a copy of a signed Fiscal Officer's Certificate that reads the estimated life or period of usefulness of the Improvements is at least five years, and the estimated maximum maturity is 20 years. The maximum maturity of the Notes is April 26, 2027, which is 20 years from the original date the Notes were issued for these purposes. The new Note will be dated the date of issuance, but no later than April 23, 2009 and will mature one year from the date of issuance, provided, however, that if Finance Director/Clerk Keaton determines it is necessary or advisable to the issuance of the Notes, she may establish a maturity date that is up to 60 days less than one year from the date of their issuance. This new language was added to provide the City the ability to react to the ever changing financial markets. The Notes will bear interest at a rate or rates not to exceed 6%. The reason for this Ordinance to be in emergency fashion is to allow the Underwriter time to market the Note and to monitor the interest rates.

Motion by Garber, second by Cantrell to read proposed Ordinance No. 2009-04. All yeas, motion carried.

Motion by Reel, second by Letner to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2009-04 entitled "AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN A PRINCIPAL AMOUNT OF \$1,085,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING A NEW STREET IN THE NORTHBROOK INDUSTRIAL PARK, TOGETHER WITH ALL NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY." Reel yea, Cantrell yea, Garber yea, Letner yea and Seagraves yea. Motion carried.

Finance Director/Clerk Keaton reported Assistant City Manager Jeff Sewert, is requesting to participate in the City of Brookville's Retire/Rehire Program. Ohio Revised Code Section 145.381 requires the employer of a retiree who plans to return to work in the same position he or she retired from, and where that position is customarily filled by the vote of a legislative authority comply with providing public notice at least 60 days before the reemployment is to begin and to hold a public meeting 15 to 30 days before the reemployment is to begin. Assistant City Manager Sewert has indicated a retirement date of May 1, 2009 with a rehire date of May 2, 2009. Council must schedule a public meeting between April 2 and April 17, 2009.

Motion by Garber, second by Letner to set a Public Meeting for Tuesday, April 7, 2009 at 7:00 p.m. in the Council Chambers for the consideration of rehiring Jeff Sewert as Assistant City Manager for the City of Brookville after his retirement from the City of Brookville. All yeas, motion carried.

Finance Director/Clerk Keaton reported we received our recycling invoice under the new formula, and it came in at \$24.11 less than the monthly amount paid in 2008.

Mayor Seagraves thanked the Service Department personnel for their continued effort in snow removal this year. They are doing a superb job.

Mayor Seagraves announced the Brookville Chamber of Commerce General Meeting is scheduled for February 19, 2009 at 5:30 p.m. in the Brookhaven Conference Center. Council is welcome to attend.

Mayor Seagraves announced Payless will hold a grand opening on February 27, 2009 from 9:00 a.m. to noon. Mayor Seagraves reported the President/CEO of Payless will be in attendance.

Fire Chief Nickel reported the Brookville Fire Department will conduct ice rescue training on Saturday, February 7.

Mayor Seagraves announced the local churches, along with IHS (In His Service) will be holding a free lunch every Saturday starting February 7 to meet the needs of people in the Brookville Local School District. The lunch will be served from 11:00 a.m. to 12:30 p.m. at Westbrook Elementary School. There is no charge for this meal. The plan is to hold the lunch every Saturday through March. Mayor Seagraves stated local Christians and churches are providing the funding for this project. Mayor Seagraves announced he will hold a Mayor's Ball on March 14, from 7:30 to 11:30 p.m. at VFW Post 3288. One hundred percent of the proceeds will go toward feeding families in Brookville.

Motion by Garber, second by Cantrell to read proposed Resolution No. 09-02. All yeas, motion carried.

Motion by Cantrell, second by Garber to accept the second reading of proposed Resolution No. 09-02. All yeas, motion carried.

There was no Old Business.

Motion by Reel, second by Garber to adjourn. All yeas, motion carried.

Sonja M. Keaton, Clerk

David Seagraves, Mayor