

Brookville City Council
Regular Meeting
August 6, 2019

The Regular Meeting of the Brookville City Council was called to order by Mayor Letner at 7:30 p.m. on August 6, 2019 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Crane, Fowler, Schreier, Swabb, Wilder, and Zimmerlin; City Manager/Interim Finance Director Keaton, Law Director Stephan, Fire Chief Fletcher, Police Chief Jerome and Clerk Wheeler were present.

Roll Call by Clerk Wheeler.

Motion by Swabb, second by Zimmerlin to approve the Agenda as presented. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to approve the Regular Council Meeting Minutes of July 16, 2019. All yeas, motion carried.

Mayor Letner recognized former Mayor David Seagraves. He stated David Seagraves served Brookville for many years as Mayor, Council Member and an ambassador for the City. He stated former Mayor Seagraves was very dedicated to this City, he served 34 years of service unmatched by anyone and was always there if needed. Mayor Letner stated he is glad to have grown up with Dave Seagraves and it is his pleasure to succeed him. Mayor Letner presented David Seagraves with a plaque made with his old gavel mounted to it.

Former Mayor Seagraves stated he loves Brookville and he loved being on City Council. He stated the ultimate responsibility of Council is to do the best for the community and the citizens. He stated Brookville is a wonderful community and he is blessed to be here. He informed he spends time in other communities and without reservations we are truly blessed to be here in Brookville. He stated he is very proud of the citizens and staff for their tornado response and that's just the kind of great people that work and live here. He stated he appreciates all the support over the years and the City is blessed to have such a wonderful staff. He thanked Mayor Letner.

Member Schreier thanked former Mayor Seagraves for his many years of service and he has served the community well.

Mayor Letner thanked former Mayor Seagraves for his encouragement and stated he likes he was able to succeed him, but wishes it would have been under different circumstances though.

Former Mayor Seagraves stated he was given an amazing opportunity with the County that he couldn't pass up. He stated he is thankful to the County for his new opportunity. He thanked his family for their love and support over the years and stated he is very thankful to live in Brookville.

Montgomery County Auditor, Karl Keith provided a tornado update. He informed in the 35 years he has been with Montgomery County he has seen a lot. He stated the past few months have been hectic. He informed aerial photographs had been taken in March throughout Montgomery County and then were able to be re-taken after the tornadoes hit, so there are before and after pictures of tornado damaged properties. He reported more than 4,400 properties were damaged in Montgomery County with a good percentage with major damage. He informed Harrison Township was hit the hardest, followed by Trotwood, Dayton and then Brookville. He reported according to observations done in the Auditor's Office, Brookville had approximately 200 properties damaged in the tornado. He informed Montgomery County wants to ensure those with homes that were destroyed or major damage get a reduction in their property tax and are treated fairly. He informed people must request it though by filling out a form.

Auditor Keith informed his office will be having Mobile Assistance Centers set up in various locations to help people with this process. He informed there will be one held at the Brookville Library on August 24 from 1-4 p.m. with staff from his office there to assist anyone in need and there will be notaries available because the assistance forms do need to be notarized. He stated you can also get a copy of the form by calling the Montgomery County Auditor's Office or by visiting their website. He stated the forms must be notarized.

Member Schreier asked if people apply, will they receive any credit for past billing?

Auditor Keith stated no, property taxes are billed in the rears, so next year's tax bills would be prorated for half the year since the tornado was in May.

Mayor Letner asked the deadline to apply?

Auditor Keith informed the end of August.

Mayor Letner informed he personally has filled out the form and it was a very easy form to fill out. He encouraged everyone affected to fill out the application form.

Auditor Keith explained his office needs the form to start the process, so even if someone doesn't know all the answers on the form, to still fill it out and turn it in to get the process started.

Auditor Keith stated this will have an impact on communities who depend on these revenues. He stated he is hoping by the end of the year to have some numbers put together on exactly how much effect it will have on those communities.

City Manager/Interim Finance Director Keaton reported the 2020 Montgomery County Budget Commission Meeting will be held on Thursday, August 29. She informed annually all public entities need to complete and submit a form to the Auditor's Office that indicates if they want to waive or request a hearing before the Budget Commission. She stated it is her recommendation that Council waive the hearing before the Montgomery County Budget Commission for the 2019/2020 Tax Information/Budget and/or Inside Millage.

Motion by Zimmerlin, second by Wilder to waive the hearing before the Montgomery County Budget Commission for the 2019/2020 Tax Information/Budget and/or Inside Millage. All yeas, motion carried.

City Manager/Interim Finance Director Keaton informed the Montgomery County Solid Waste District has completed its updates to the Waste Delivery and Disposal Agreement it holds with each District Member in Montgomery County. She informed the City of Brookville and the Solid Waste District last entered into this type of Agreement in 1985. She informed since then, the Solid Waste District has made significant changes to the overall operation as recommended by the Solid Waste Advisory Committee, Solid Waste Policy Committee and the Finance Advisory Committee, and changes in federal and state law governing the Solid Waste District have changed the way the District operates. City Manager/Interim Finance Director Keaton requested Council approval of the Montgomery County-Intermunicipal Waste Services Agreement between Montgomery County and the City of Brookville and to authorize the City Manager to sign the Agreement.

Motion by Zimmerlin, second by Schreier to approve the Montgomery County-Intermunicipal Waste Services Agreement between Montgomery County and the City of Brookville and to authorize the City Manager to sign the Agreement. All yeas, motion carried.

City Manager/Interim Finance Director Keaton reported FEMA approved the public assistance for local governments, which provides the City 75% reimbursement for debris removal and emergency protective measures as a result of the Memorial Day tornado. She informed all applicants must designate an Authorized Agent, which is the point of contact for Ohio EMA and

is responsible for all grant administration. She requested Council appoint the City Manager as the Primary Contact/Applicant's Authorized Agent. She stated she is not permitted to designate herself.

Motion by Schreier, second by Fowler to appoint the City Manager, Sonja Keaton, as the Primary Contact/Applicant's Authorized Agent for Ohio EMA and to be responsible for all grant administration. All yeas, motion carried.

City Manager/Interim Finance Director Keaton requested Council authorization to set up a Special Revenue Fund for FEMA money that the City will be receiving for debris removal and security measures as a result of the Memorial Day tornado.

Mayor Letner asked how the funds will be divided up per Department?

City Manager/Interim Finance Director Keaton informed she has been keeping track and payroll was paid out of each Department's Fund. She explained once FEMA money is received, it is deposited into the FEMA Fund and we will then make amendments to our Appropriations and Estimated Resources and monies will be dispersed back to the funds they originally came from.

Member Schreier asked if there is a current total?

City Manager/Interim Finance Director Keaton informed approximately \$200,000. She explained we will receive 75% of that back with a 12.5% match from Ohio and a 12.5% match from us. She stated she is hoping to use some of our volunteer work as our 12.5% match. She stated she will keep Council updated, this will probably be a two to three month process.

Motion by Fowler, second by Swabb to authorize City Manager/Interim Finance Director Keaton to set up a Special Revenue Fund for FEMA money that the City will be receiving for debris removal and security measures as a result of the Memorial Day tornado. All yeas, motion carried.

City Manager/Interim Finance Director Keaton informed that following the Memorial Day tornado, 27 water meters were removed from damaged homes and final utility bills were processed. She informed four of those homes have requested a water meter be set. She stated our current Water Ordinance states that we are to charge a fee to install water meters. She requested Council waive the water meter installation fee of \$81.00 for those homeowners whose water meter was removed as a result of the tornado. She informed the City of Dayton has agreed not to charge us their meter installation fee if we provide them with a list of addresses.

Motion by Zimmerlin, second by Crane to waive the water meter installation fee of \$81.00 for those homeowners whose water meter was removed as a result of the tornado. All yeas, motion carried.

City Manager/Interim Finance Director Keaton presented the July 31, 2019 Fund Balance.

Motion by Swabb, second by Wilder to approve the July 31, 2019 Fund Balance as presented. All yeas, motion carried.

City Manager/Interim Finance Director Keaton informed she received word that the Bureau of Workers' Compensation Board approved another rebate to Ohio employers, which includes public employers. She explained the 88% rebate is based on the premium we paid for calendar year 2017, which she is estimating our rebate would be \$31,200 and we should receive that rebate in October.

City Manager/Interim Finance Director Keaton informed effective July 18, 2019 through Fiscal Year 2021, Local Government Fund revenue that was temporarily redirected to the Targeting

Addiction Assistance Fund for the 2018-2019 biennium, will now be paid directly to municipalities in accordance with House Bill 166.

City Manager/Interim Finance Director Keaton reported she received word in late July that Miami Valley Lighting has repaired all the street light facilities in Brookville damaged by the Memorial Day tornadoes.

City Manager/Interim Finance Director Keaton informed Brookville Schools will start on August 15 as scheduled. She informed their critical work should be completed by the end of this week.

City Manager/Interim Finance Director Keaton reported the City of Brookville's audited Basic Financial Statements for the year 2018 was recently released by the State Auditor. She informed a copy of the audited 2018 Basic Financial Statement is available for inspection at the City Building, or on the Auditor of State website.

City Manager/Interim Finance Director Keaton informed the repaving of South Wolf Creek Street, between Westbrook and our southern city limits, has been completed.

Member Zimmerlin asked how the complaint level has been on Rumpke?

City Manager/Interim Finance Director Keaton informed last week was ok, but the two weeks before we had different route drivers and we received a lot of complaints. She informed she will be scheduling another meeting with them for September. She informed it seems to be some of the same misses all the time and a big problem is the alleys.

Member Zimmerlin asked how much time Staff has spent on Rumpke?

City Manager/Interim Finance Director Keaton stated it seems to be quiet for a little while and then problems will pop back up again.

Member Wilder stated it doesn't seem to be getting better.

Member Zimmerlin stated Rumpke is in the business of doing trash and it just seems there are constant complaints.

Member Schreier asked if metrics were built into the contract on service issues?

City Manager/Interim Finance Director Keaton informed if they continually have the same complaint in the same area, but it has to be the same issue at the same address, which is hard because the issues aren't always at the same address. She described a lot of the issues are with the alleys, plus their trucks are much larger than the truck we used to have.

Member Zimmerlin asked if there are any possible remedies? He stated he can't imagine we are the only ones with issues. He stated he wondered if there could be a unified approach from various municipalities contracted with Rumpke that are experiencing issues.

City Manager/Interim Finance Director Keaton stated she can reach out to other communities.

Service Superintendent Homan informed he has heard of other communities having trouble with Waste Management also, some have had the same issues with Waste Management as they did with Rumpke.

Member Zimmerlin asked about Republic?

Service Superintendent Homan stated he is not sure, he knows they do Clay Township.

Member Zimmerlin stated we are stuck for now, but maybe they are something we could look into in the future.

Service Superintendent Homan stated he has heard we probably paid more for our services with Rumpke because we were a part of a consortium. He stated he would like to explore different options to see if we would be better off without the consortium next time around.

Fire Chief Fletcher presented the July Operations Report.

Fire Chief Fletcher thanked the Mayor for his support during the recent fire at K's Restaurant. He stated as a Department Head, especially when involved in anything significant, it is always appreciated to receive support from the Mayor, Council and City Manager.

Fire Chief Fletcher reported he has hired several new part-time employees in the Fire Department. He stated many fire departments are struggling right now with staffing and even though we do too, it is encouraging to have found some qualified candidates to hire.

Fire Chief Fletcher informed the Fire Department had several EMS calls related to the picnic this year. He informed the weather was great though and all went well with the fireworks.

Fire Chief Fletcher informed he has recently received some questions on if the volume can be turned up on the tornado sirens. He explained there isn't a volume control on the sirens. He stated the sirens are intended to be outdoor weather warnings, not to be heard over top the inside noise of a home like a television, kids, dogs, etc. He stated adjusting the volume on the sirens is just not something we can do, but people can take advantage of all the weather warnings, such as televisions, cell phones and weather warning radios. He informed work continues on the relocation of the two older sirens we have, they are both still operational and once moved coverage will only get better, not worse. He stated only one will be moved at a time, so that three sirens are always operational and a siren being moved should be moved in one day.

Fire Chief Fletcher reported the Tornado Assistance Program is going well and has assisted 37 families so far, with only one denial because they did not live in our community.

Fire Chief Fletcher informed he was recently asked if the Brookville Fire Department does not have the money and resources it needs how can they be taking money and giving it to people affected by the tornado. He reminded the Fire Department is basically just the pass through organization as people donate money for this specific purpose and a committee was established to review requests and pass out money. He stated the money is not taxpayer money and is not commingled funds with Fire Association money or taxpayer money.

Member Zimmerlin asked if there is a timeline to cease offering assistance?

Fire Chief Fletcher informed it has been discussed for August 31, but not approved yet. He informed it has been suggested that the dollar amount left over would be divided up among those who need it most.

Member Zimmerlin stated he does not know the entire staff of the Fire Department, Police Department or Service Department. He stated he would like some sort of opportunity for Council and Staff to get together or have a meet and greet.

Fire Chief Fletcher suggested some sort of employee picnic lunch.

Mayor Letner informed him having the Active 911 is very beneficial. He asked if it could be shared with other Council Members?

Fire Chief Fletcher stated he would have no concerns with sharing it with Council Members, he can't push it out to the general public, but the City Manager and Elected Officials are fine. He informed he will send out a brief explanation on what it is to Council Members.

Mayor Letner asked the decimal rating on the tornado sirens?

Fire Chief Fletcher explained he would have to dig out the actual specifications, but they are industry standard and he can get the exact numbers if needed.

Mayor Letner stated that is not necessary. He asked if the four sirens we have cover the City sufficiently?

Fire Chief Fletcher explained that previously the area of the Meadows of Brookville was poorly covered, but one of the two new sirens were positioned at Westbrook Road and Mosier Parkway to pick that area up. He stated as the City has grown to the north over the years, it was also poorly covered, so the other new siren was added to the northwest corner of town for added coverage. He informed the two sirens being moved will be moved from the old school to the new school and the one in Golden Gate Park will be moved near the new fire station, which will then mean all four corners of the City are covered with overlapping into the townships.

Member Zimmerlin asked if Chief Fletcher sees a need for additional sirens if there were to be any future grants available?

Fire Chief Fletcher informed if a grant came up, we would probably want to seriously consider the condition of our two oldest sirens. He informed they are currently in good working order, but they are old. He stated with future growth we will want to consider ideas for the best coverage.

Police Chief Jerome reported the Brookville Police Department handled 413 Incidents year-to-date, compared to 372 during this same time last year. Police Chief Jerome reported Citations were down a total of 66 Citations year-to-date, for a total of 267 Citations issued year-to-date. There were 90 traffic stops for July compared to 190 during July 2018.

Police Chief Jerome informed he has filled one of the full-time openings, Taylor Arthur started August 4 and he is excited to have her. He stated she will be at an upcoming Council Meeting.

Police Chief Jerome informed the Police Department used the training room at the firehouse last week for a two day regional training class for a Criminal Activity and Drug Intervention Course. 35 Officers from all over the state attended this two day class. He thanked the Fire Department for hosting and for the use of their facilities.

Police Chief Jerome informed the Police Department is still working through the process of switching to the new outer vest carriers, which will move some items from the Officer's gun belts up to their vests. He informed the vests are approximately \$200 each. He informed this is what the Officers really want and most other agencies are switching to these new vests also. He explained there are some grant opportunities available with the State of Ohio that they are trying to apply for, but the grants have very limited windows of time to apply. He informed the Brookville VFW donated \$1,500 towards this purchase and another business has also offered a donation towards this purchase.

Police Chief Jerome stated his Department has been very busy solving crimes and he is very proud of his staff. He reported we experienced a rash of criminal damages, which were very dangerous for people with broken bottles and property damages and cost the City money to have to pay staff to come in and clean it up. He informed several people have now been charged in those crimes.

Police Chief Jerome reported the test held last Saturday for Police candidates went well and he will hold interviews next week. He stated they will keep moving forward and hopefully make another full-time offer by the end of August. He stated turnover is tough.

Mayor Letner stated for three Service Department workers to be cleaning up glass at the park for five hours was a waste of resources. He stated he is glad the Police Department took care of the situation and it was handled.

Police Chief Jerome described the cleanup had to be done at the castle playground where glass bottles were broken all over the playground in the mulch. He stated people were being destructive, that's all there is to it.

Law Director Stephan had no report.

Mayor Letner informed in January 2019 Council appointed David Seagraves as Member and Gary Burkholder as Alternate to the MVRPC Board; and Gary Burkholder as Member and David Seagraves as Alternate to the Technical Advisory Committee for 2019. He stated since both are no longer with us, he recommended appointing City Manager/Interim Finance Director Keaton as MVRPC Board Member and Zoning Officer Snedeker as Alternate to the MVRPC Board; and Zoning Officer Snedeker as Member and City Manager/Interim Finance Director Keaton as Alternate for the Technical Advisory Committee for the remainder of 2019.

Motion Zimmerlin, second by Schreier to appoint City Manager/Interim Finance Director Keaton as Member and Zoning Officer Snedeker as Alternate to the MVRPC Board; and Zoning Officer Snedeker as Member and City Manager/Interim Finance Director Keaton as Alternate for the Technical Advisory Committee for the remainder of 2019. All yeas, motion carried.

Mayor Letner stated it is very tragic what took place in the Oregon District this past weekend. He informed he had plans to go there last night for his wife's birthday and at first they thought about not going, but instead they decided to go. He stated the area was very busy and the streets were filled. He described there were flowers in bullet holes and candles for the nine victims. He stated we are red, white and Brookville blue strong as Dayton is Dayton strong. He encouraged people to still go down there and eat and shop. He stated it was good to see people out and in the end we need to become one and address the situation diplomatically as it should be done.

In Old Business,

Motion by Zimmerlin, second by Crane to read proposed Ordinance No. 2019-02. All yeas, motion carried.

Motion by Zimmerlin, second by Fowler to accept the third reading and adopt Ordinance No. 2019-02 entitled, "AN ORDINANCE ESTABLISHING A STORM WATER MANAGEMENT UTILITY IN THE CITY OF BROOKVILLE, OHIO." All yeas, motion carried.

Motion by Crane, second by Schreier to read proposed Resolution No. 19-14. All yeas, motion carried.

Motion by Schreier, second by Zimmerlin to accept the second reading of proposed Resolution No. 19-14 entitled, "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED." All yeas, motion carried.

Member Swabb presented a Power Point Presentation of photos he took of Wolf Creek with his drone.

Member Swabb stated since we are still waiting for the official report from Montgomery County Soil and Water on Wolf Creek, he took a few drone photos of his own to show the current state of the creek. He informed the pictures were taken in July, which was after the tornado and the area pictured was right in the path of the tornado.

Service Superintendent Homan stated it is still unclear if the information and photos previously taken will be made public because they do show private property, it is still being discussed with the FAA and being determined if the Department of Agriculture will release the information.

Member Zimmerlin asked if there could be a potential for the down trees to fall into the creek?

Service Superintendent Homan stated it could be possible, but most of those down trees are very large and heavy and it took a big backhoe to move them off to the side of the creek. He informed he has been in talks with Montgomery County Soil and Water and will be speaking soon with someone from the Natural Resources Conservation Society. He explained there is a program called the Emergency Watershed Protection Program where FEMA supplies 75% cost to any natural disaster that creates a possible flood or erosion risk, which we would be applicable for. He informed he has received the needed paperwork and we will be filing the paperwork for assistance. He stated since the presidential declaration was made, we just need to request assistance and move through the process. He informed he is hoping to meet next week with the Natural Resources Conservation Society and walk the area with them. He informed he knows they have already met with Clayton and Trotwood and those cities will soon be putting in letters to request assistance. He informed he also has reached out to Perry Township and informed them of what we are doing and they plan to look into the program as well.

Mayor Letner asked if Member Swabb could capture pictures north of Wolf Creek from McKinley down to Westbrook?

Member Swabb stated he will do.

City Manager/Interim Finance Director Keaton informed information was distributed today to Council Members on the Emergency Watershed Protection Program. She requested Council approval to move forward and apply for assistance. She informed FEMA will provide 75% reimbursement, but the initial step is to send a letter to request assistance.

Mayor Letner asked if we have looked into land clearing?

Service Superintendent Homan stated it is possible that is what they will recommend, but as a City we have not gone out and priced a contractor to come in and clear the land.

Further discussion on clearing out the waterway.

Motion by Zimmerlin, second by Swabb to authorize the City Manager to apply for assistance from the Emergency Watershed Protection Program. All yeas, motion carried.

Mayor Letner thanked Member Swabb for obtaining the drone photos and sharing with everyone.

In New Business,

Motion by Zimmerlin, second by Wilder to read proposed Resolution No. 19-15. All yeas, motion carried.

City Manager/Interim Finance Director Keaton informed the current Ohio Department of Transportation (ODOT) Municipal Bridge Inspection Program is ending on December 31, 2019. She informed ODOT is renewing this program for three more years, 2020, 2021 and 2022. She explained this program initially started in 2014 with ODOT inspecting the McKinley Street Bridge, which is the only bridge the City of Brookville owns that is required to be inspected

annually by an engineer. She informed all of our other bridges are owned and inspected by Montgomery County annually. She stated this is a free program to the City and we have opted into the Program since 2014. City Manager/Interim Finance Director Keaton recommended continuing with the Municipal Bridge Inspection Program.

Motion by Zimmerlin, second by Schreier to accept the first reading of proposed Resolution No. 19-15 entitled, "A RESOLUTION TO RENEW THE MUNICIPAL BRIDGE INSPECTION PROGRAM FOR 2020, 2021 AND 2022." All yeas, motion carried.

Member Fowler, Park Board Liaison reported the next Park Board Meeting is scheduled for August 13. He informed the Community Picnic went very well and the new pedestrian bridge was well used during the event.

Mayor Letner stated he attended the Community Picnic and it was a great success and seemed to be well received.

Member Schreier informed the last Planning Commission Meeting was held on July 18. He reported a Special Use Permit was approved for Sullivan's Mobile Welding, which will be located on the corner of Western and Westbrook. He informed most the work done is done off site. He informed the next Planning Commission Meeting is scheduled for August 15.

Trevor Hopkins, of 430 Albert Road, stated he is somewhat new to the area, he has been here about two years and is happy to be a resident here. He stated Brookville seems to be a very proud community. Mr. Hopkins stated the motto of Brookville is proud and progressive and he would like to talk about being progressive and what that really means. He stated what is viewed as progressive can change over time. He read Chapter 505.15 of the Brookville City Ordinances about pasturing animals. He stated it was adopted in 1956 and at that time, there is no doubt that was progressive for the time. He also cited a City of Dayton Ordinance that says they allow chickens. He stated an urban community like Dayton allows chickens, but our farming community does not and we seem to follow Dayton's lead on other things, but not this one. He listed several other cities that allow chickens, but yet do no claim to be proud and progressive like we do. He asked if in 1956, were we so progressive that 63 years later our statutes still stand and are considered progressive? Or are these other cities the real progressive ones? He asked the City to live up to their own motto, allow chickens and get some progress in this town.

Mayor Letner thanked everyone for attending.

Motion by Zimmerlin, second by Schreier to adjourn. All yeas, motion carried.



Meghan Wheeler, Clerk



Charles Letner, Mayor