



REGULAR COUNCIL MEETING
Tuesday, March 19, 2019, 7:30 PM
CITY HALL
301 SYCAMORE STREET, BROOKVILLE, OHIO 45309
(937) 833-2135
www.brookvilleohio.com

Agenda

I. Opening of Regular Council Meeting

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call

II. Adoption of Agenda

III. Approval of Minutes

- a. Approval of March 5, 2019 Regular Meeting Minutes
- b. Approval of March 5, 2019 Special Meeting Minutes

IV. Recognition of former Park Board Member - Dave Monnin

V. Gale Colston - approval of Pink Ribbon Girls Breast Cancer 5k

VI. Executive Session

- a. Per ORC 121.22 (G)(1) to consider the appointment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

VII. Reports of Municipal Officers

- a. City Manager
- b. Finance Director
- c. Fire Chief
- d. Police Chief
- e. Law Director
- f. Mayor David Seagraves



VIII. Old Business

- a. Pedestrian Bridge at Golden Gate Park
- b. First Reading of proposed Ordinance No. 2019-02 entitled, "An Ordinance establishing a stormwater management utility in the City of Brookville, Ohio." tabled 3/5/19

IX. New Business

- a. First reading of proposed Ordinance 2019-03 entitled, "An Ordinance levying assessments for the cutting and removal of weeds, vines, grass and/or other vegetation during the year 2018 for certain properties in the City of Brookville, Ohio."
- b. Motion to approve application for Hazard Mitigation Grant
- c. Motion to replace roof on the Leiber Center

X. Reports of Boards and Commissions

- a. Anne Kirklin - Park Board Liaison
- b. Curt Schreier - Planning Commission Member

XI. Public Comments (5 minutes per speaker)

XII. Motion for Adjournment

Please note: Council welcomes the comments and input of the public during Council Meetings. In order to provide an orderly fashion in which all interested parties have an opportunity to address Council, Council has adopted the following procedure for citizen's comments during any portion of the Council Meeting or Public Hearing.

Any citizen who wishes to address Council should state their name, address and then their comments. Speakers should not approach Council Members without first obtaining permission. After completion of their comments, Council would request that the speakers return to their seat so that any other interested persons could then be recognized and address Council.

The purpose of this procedure is to afford the maximum opportunity for citizen input without any type of disruption of the Council proceedings. While others are addressing Council from the podium, Council requests that audience members not make comments to Council or to other individuals to prevent any potential confusion or disruption.

Brookville City Council
Regular Meeting
March 5, 2019

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on March 5, 2019 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Fowler, Kirklin, Letner, Schreier, and Wilder; Police Chief Jerome, Fire Chief Fletcher, Finance Director Keaton, Law Director Stephan, City Manager Burkholder, and Clerk Wheeler were present. Member Zimmerlin was absent.

Mayor Seagraves informed Member Zimmerlin is absent tonight due to an illness.

Roll Call by Clerk Wheeler.

Mayor Seagraves informed Council held a Special Meeting to interview an applicant for the open Board of Zoning and Appeals position and requested an amendment to the Agenda to make a formal appointment.

Motion by Kirklin, second by Schreier to approve the Agenda as amended. All yeas, motion carried.

Motion by Kirklin, second by Schreier to approve the Special Meeting Minutes of February 27, 2019, the Special Meeting Minutes of February 19, 2019 and the Regular Council Meeting Minutes of February 19, 2019. All yeas, motion carried.

Mayor Seagraves welcomed Rodney Creech, Preble County Commissioner, and thanked him for attending tonight's Council Meeting.

Motion by Schreier, second by Kirklin to appoint Chip Hills to Board of Zoning and Appeals to fill the term expiring, December 31, 2021. All yeas, motion carried.

Mayor Seagraves thanked Margo Cantrell for 11 years of service to the City of Brookville on City Council. He informed she also served on the Board of Zoning and Appeals and various other boards and projects. He stated he is very thankful for her years of service and all she has done for the City of Brookville.

Mayor Seagraves presented Margo Cantrell with an award of recognition for her years of service to the City of Brookville.

Margo Cantrell thanked the Mayor, current and past Council Members and current and past City Staff that she has worked with over the years.

Mayor Seagraves informed last year the City held two Storm Water Work Sessions on flooding issues. He stated it has been an ongoing process since then with Staff and residents working with FEMA and Montgomery County Soil and Water. He introduced Stephan Bridenbaugh, of Montgomery County Soil and Water, to give an update.

Stephan Bridenbaugh, of Montgomery County Soil and Water, informed the past rain storm on February 6 produced around 1.2 to 2 inches of rain in a two to three hour time frame. He informed flash flood warnings were then issued because the rain water fell onto frozen ground. He reported on February 7, his office received 50 calls mostly around Brookville with flooding concerns. He informed Soil and Water has been evaluating flood issues in the area, but it has to be understood there was 4.7 inches of rain on top of frozen ground received in the two day time frame of February 6 and 7. He stated when there is frozen ground, the water runs off and runs into storm sewers and ditches, which then can cause the flooding of homes or basements. He stated there were massive runoffs because of the frozen ground. He informed there has been recent flooding in a lot of areas, even areas that have not experienced flooding in the past

because of the rapid intense rainfalls we have been seeing and that seem to be becoming more common. He informed his office is still working on phone calls received from the last major rain event, a month ago.

Mr. Bridenbaugh informed at the meetings held last year, the process of Montgomery County Soil and Water was discussed. He informed after the meetings held last year, a request for assistance was filed by a Brookville resident. The request for assistance requested log jams be looked into in Wolf Creek. He explained this started the process to evaluate the Wolf Creek area. He informed the Montgomery County Commissioners recently approved \$7,500 to fund a drone study which would fly up and down the creek, mark the jammed areas, take high resolution pictures and help determine a solution to pull the log jams out. He stated the Study will also help to identify ash trees that are leaning and in danger of falling near the creek. He stated this is the most inexpensive manner to walk the creek. He stated there are a ton of log jams along the creek and this process will help Soil and Water to prepare and estimate for the total cost of at the best solution for the creek.

Mr. Bridenbaugh thanked Montgomery County Commissioners for funding this phase of the project. He informed removing the log jams will help the water to move on down and help to prevent future flooding. He informed the drone study will be the initial phase of everything. The drones will fly from Heeter Road to Westbrook Road, which is about three miles and is tentatively scheduled for March 14. He stated the long term goal is to get capacity in the creek down stream to help it from backing up into the flood plain and increase the flow of the water. He informed there could also be potential funding with FEMA for drudging if needed. He described the video obtained from the drones will help to identify if drudging is needed, which could then be a future phase. He explained this initial investigation and evaluation will be put into a report and the original petitioner will receive a copy of the report once the report is done. He stated this is not a typical small project, it is considered a large project.

Mayor Seagraves asked for a timeline?

Mr. Bridenbaugh stated it will probably be late spring before the investigation and evaluation report will be done. He informed after that would come the field view, which usually takes about 90 days. He stated the actual removal of debris from the creek would probably not be until late fall or winter.

Allen Thrush, of 30 Gaines, asked if there are any deadlines to meet for the process?

Mr. Bridenbaugh informed once the Montgomery County Soil and Water Board accepts a petition state law allows one year for completion. He informed at this point, the Soil and Water Board has only accepted the request for assistance. He stated the petition has not been accepted yet, which means the one year time period has not started yet because Soil and Water has other projects ahead of Brookville's to complete.

Mr. Thrush asked if the Core of Army Engineers will be brought in at any point?

Mr. Bridenbaugh informed they will be involved once the permit process starts. He informed there will be permitting done through the Ohio EPA and the Core of Army Engineers.

Mr. Thrush asked if Soil and Water has a process written out for residents to look at?

Mr. Bridenbaugh provided a handout with information on Montgomery County Soil and Water's process.

Mayor Seagraves stated Soil and Water is working with the City and residents, there is also legwork going on to gather more information from FEMA. He stated the other part to all of this is, how the City engages to help. He informed he has asked Mr. Bridenbaugh to briefly speak on Storm Water Utilities.

Mr. Bridenbaugh stated Soil and Water does not do Storm Water Utility Funds, that would have to come from the City and Soil and Water can't get involved with them, but he can describe how they work. He explained there is a user fee charged to residents that go into a separate fund to be used for storm water activity. He stated a lot of neighboring communities to Brookville have a Storm Water Fund. Money in a Storm Water Fund can be used for street sweeping, catch basin repair, or storm water repair, but the funds are earmarked for those type of things only. He stated the fee is usually only a few dollars a month. He stated this type of Fund would be up to the City of Brookville and Soil and Water cannot say if they support it or not.

Tonya McKown, of 226 South Wolf Creek, asked if residents already pay that in their water bills?

Mayor Seagraves stated no.

Manager Burkholder informed the first reading is on tonight's Agenda for a Storm Water Utility Fund to begin discussions. He stated a Storm Water Utility Fund would be a separate, designated fund. He informed a flat fee would be charged to residential, commercial, or industrial customers. He stated tonight is an educational outreach to help people understand and see how it would affect them. He informed a Storm Water Utility Fund would be to address storm water issues only. He stated if we are going to address the storm water issues in Brookville, we have to have the funding to do it. He described examples of what the money in a Storm Water Utility Fund could be used for catch basins, man holes, and the street sweeper, which it is very important to keep debris out of our storm water system. He stated this fund would also help generate the revenue we need to help initiate studies to identify problems city wide as it relates to storm water and then help to put together a plan to correct the problems. He stated other than the log jams, there are all kinds of other problems including aging infrastructure in town that needs to be dealt with. He described the need to do an I and I study to identify how much of our storm water is getting into our sewer system and in order to start, this type of utility fund would give the City the kind of funding needed to get started. He stated this type of fund has to be used for storm water and nothing else. He reported this past week he attended a Resiliency Roundtable presentation sponsored by the Miami Valley Regional Planning Commission (MVRPC) where the discussion focused on investing in resiliency in our communities. He stated the recent flooding issues are a prime example of the need to address resiliency in Brookville.

Manager Burkholder reported he and the Service Superintendent participated in a webinar on FEMA's Hazard Mitigation Grant Program presented by the Mitigation Brand Chief with the Ohio Department of Public Safety. In follow up, contact was made with Jeff Jordan with the Montgomery County Office of Emergency Management regarding the submission of a pre-application relative to recent flooding in Brookville with a pre-application deadline of March 22. He informed if approved through this grant, 75% of the funds would come through FEMA, 12.5% of the funds come from the State of Ohio and the final 12.5% would come from the local jurisdiction, which would be us. He informed if we had money in a Storm Water Fund, we could use that towards the 12.5% we would be responsible for if grant funds were awarded. He stated Staff is doing a lot of research and all of these pieces fit together with the key component being the funding mechanism. He stated the City is working with Soil and Water, the Department of Public Safety and the Montgomery County Office of Emergency Management and trying to bring everything together.

Mayor Seagraves asked the dollar amounts that a Storm Water Fund would charge?

Finance Director Keaton informed the monthly charges would be \$4.50 for residential structures; \$7.50 for commercial structures; \$10.50 for industrial structures and \$4.50 for governmental or non profit structures. She stated based upon the total utility count, this type of fund would generate an estimated \$135,000 annually.

Mayor Seagraves asked if it would be included in the regular quarterly utility bills?

Finance Director Keaton stated yes.

Member Schreier asked if these funds would be able to offset any future assessments of special projects with Montgomery Soil and Water?

Manager Burkholder informed he would like to look into that further, he would think it should be able to help offset.

Law Director Stephan advised the Ordinance would permit it. He informed if a project has a certain cost and a certain projected assessment for the project and if the City were paying for certain portions of the project like engineering or building materials, that would help to reduce the cost being assessed to the citizens. He informed it would be looked at on a project by project basis and would use the funds to assist, but would not totally eliminate assessments. He stated each project for an application would be different.

Mr. Bridenbaugh informed in the past, if four out of a group of 10 residents in the same neighborhood wanted to agree on a project, figure the cost and material and divide the amount and then cut a check, that amount would lower the final amount to be assessed to the other homeowners.

Ms. McKown asked if it will be put before the citizens for a vote?

Mayor Seagraves stated no, it can be done by a vote of City Council. He stated Council cannot continue to kick the can and avoid these issues, it would be quicker to do a Council vote and there would be three readings, which would take six weeks. He stated citizens without any flooding issues will vote no and this has been traumatic for the residents affected by the flooding. He stated it does no good for the Service Department, the City Manager or himself to go out and look at issues if there is no money to do anything about it.

Ms. McKown asked why the City has never tried to address these issues in the past? She stated she has been reviewing old Council Minutes and flooding issues have been previously brought up, so why wasn't the idea of the storm water fund brought up years ago?

Mayor Seagraves stated the current City Manager has only been here three years and in years prior unfortunately City Officials chose to ignore it. He stated Allen Thrush has described the first major flood to cause problems in our area was in 2004, but most homeowners seemed to just deal with it.

Mr. Thrush stated progress has been made over the last few years and it has taken time to get where we are now. He stated overtime he has had a recent issue, he has talked with the City.

Member Kirklin stated those that may not be impacted today may become impacted if we continue to avoid the issue.

Mr. Bridenbaugh agreed. He stated issues like this doesn't just get better on its own, you have to do something.

Mayor Seagraves stated residents have every right to call out elected officials and ask why something isn't being done.

Ms. McKown stated she appreciates action being taken now but wishes something would have been done a few years ago.

Mayor Seagraves stated the City did take action last year by contracting with Montgomery County Soil and Water. He stated it isn't a quick process. He stated the one thing that can be done is for a Storm Water Fund to be implemented. He stated he knows no one wants to pay more money, but we have to re-invest in our City and the fact of the matter is these issues are not going to just go away.

Kim Cheatham, of 565 Adrian, stated she is a resident of Brookville and does care and she doesn't appreciate the comment that those not impacted do not care. She asked about the areas in Perry and Clay Townships, who is paying for the work that will be done in the townships? She asked if Brookville will be paying their bill?

Mayor Seagraves stated the City of Brookville will be paying for the areas within the city limits of Brookville.

Mr. Bridenbaugh informed the initial study is being done to find out exactly where the issues are and the homeowners within the water shed areas where work will be done will be assessed for the total cost. He stated there are ongoing issues to be addressed. He informed after the study, there will be hearings and the Montgomery County Soil and Water Board will decide if this project will be done. He informed Soil and Water will charge the county for their roads, the township for their roads or the City for their roads.

Mayor Seagraves informed the money in a Storm Water Utility Fund only pertains to the city limits of Brookville.

Ms. Cheatham asked what if we do our part but Clay or Perry Township doesn't?

Manager Burkholder informed Soil and Water can cross jurisdictional lines.

Mr. Bridenbaugh stated all homeowners in the water shed area will be assessed. He explained when the project is done, the logs would be cleared out and then from that point forward there is maintenance done on the area by Soil and Water and Soil and Water also collects a maintenance fee from the homeowners included in the project to help keep the area maintained.

Jessi Sievers, of 122 Antwerp, asked about easements?

Mr. Bridenbaugh informed depending on access points, easements will likely have to be taken.

Mayor Seagraves reminded there will be a hearing held by Soil and Water after the first phase of evaluating Wolf Creek with the drones is done. He stated to be clear he did not say people didn't care what he meant was the City is beyond worrying about everyone as a whole feels and we need to make some decisions, that is why Council Members were appointed. He stated he did not mean to be disrespectful. He stated he is all in on this project and doesn't want any misguided information to get out. He stated if you love Brookville you need to buy into it.

Mayor Seagraves asked for opinions from other Council Members.

Member Schreier stated this is the first discussion had and he needs time to review before forming an opinion. He stated those that may not be personally affected by the issues may care, but still vote no if the Storm Water Utility Fund were to be on the ballot. He stated if we look at money coming from inside Brookville, we want to make sure we are looking at projects that are inside Brookville and not impacted by neighboring communities, which could be looked at and discussed during the vetting process of the project.

Mayor Seagraves stated when working with a limited budget like we are, if we need matching funds for a grant to help with a project, we do not have those matching funds. He asked if the City is not going to implement something like this to help funding then who's fault is it when these issues cannot be addressed in the future? He stated if Council is not supportive then they need to tell the citizens and they need to set a path to address citizen's concerns for these flooding issues.

Mr. Thrush stated mother nature can be nasty and you can't just say we had a big flood so we won't have another one for a while, we have to come up with a way of moving forward.

Ms. McKown stated the first flood for her was in 2004 also. She asked when is she going to be heard? She asked where has money come from in the past to address sewer issues?

Manager Burkholder informed in the past money has always come out of the General Fund but there isn't extra money in the General Fund. He stated with the Storm Water Utility fee, we would have the capital needed to do some of these projects.

Ms. McKown asked why there isn't money in the General Fund??

Mayor Seagraves stated there is money in the General Fund, but it is dispensed out to Fire, Police, and Service. He stated there is a budget that lists it all out and she is more than welcome to look at it.

Ms. McKown asked what is the carryover balance?

Mayor Seagraves explained the Carryover Balance. He stated we couldn't have planned or known that we would lose Payless, which will hurt our General Fund. He stated we have to have a reserve in case of emergency and we continue to see the reserve dwindle. He stated another part is transparency and every single check the City of Brookville writes is available online. If anyone has any questions please call the Finance Director.

Ms. McKown asked why the sewage issue couldn't have been budgeted project for in 2017?

Mayor Seagraves stated a lot of projects for 2018 wasn't done, they were frozen due to funding but yet, they still need to be done. He stated he thinks the City is on the right process by working with Soil and Water. He stated as we move on in this process, Brookville is an older community and everyone is going to find out their storm water is tied into the sanitary system, which contributes to the flooding. He stated an I and I Study needs to be done and it will determine exactly where all the complications are and it will be up to the homeowners to make the changes.

Manager Burkholder informed about two years ago flooding happened on Upper Lewisburg Salem Road that started the discussions, the research and two meetings were held to start the education process. He stated so the last two years the City has been trying to address the situation and it will take the support of the residents and support of the Council. He informed the City of Union has had this fund since the 80's and have raised hundreds of thousands of dollars just for storm water to address their issues.

Manager Burkholder stated when it comes to the influent and infiltration system and the negative impact it has on our sewer system, we cannot continue to tell the Ohio EPA we are working on it. He stated when we have contamination because we have too much storm water going through the Sewer Plant, we will start to get fined. He stated that will affect everyone because rates will have to be raised again to cover the costs of the fines. He stated we have to be forward looking and proactive.

Member Letner asked how many gallons run through the Waste Water Treatment Plant on a regular day?

Service Superintendent Homan informed 600,000 to 700,000 gallons.

Member Letner asked how many gallons went through during the February 6-7 rainfall?

Service Superintendent Homan informed 4.8 million gallons ran through. He stated the WWTP is only built for 1.2 million gallons. He stated the rain events are not sewage water coming down, it's storm water. He stated it is illegal, illicit tie-ins of down spouts, sump pumps, and leaking manholes that is allowing storm water into our sanitary system and is overwhelming the system.

Mayor Seagraves stated these problems are not just in Brookville, all of the other communities around us are experiencing similar issues. He stated he just doesn't want to put it off and end up with bigger more costly problems in the future.

Mr. Bridenbaugh stated there are two separate things going on here. He stated the first is storm water and that belongs to the City and the other is the petition process for the log jams, which belongs to Soil and Water. He informed when things are built in a watershed, there has to be storm water retention and the retention pond on new Market Street is a good example of the type of retention that needs to be considered. He stated there is an education process to help with cleanup efforts.

Jean Lathrop, of 222 Maple Street, asked would the utility charge be per structure?

Law Director Stephan informed the Ordinance is written to exclude accessory structures, the fee of \$4.50 would be for one residential structure. He stated he looked at various cities to see how their Ordinances were written and our proposed Ordinance is modeled after the City of Union. He informed there are other jurisdictions that do look at the size of lot. He stated there are other methods that Council could look at that would charge based upon the size of a lot.

Service Superintendent Homan stated he would like to clarify that two different problems have been talked about at the same time, the creek with the log jams, and then flooding from the creek and the basement flooding issues some have had. He informed he has verified with the Ohio EPA that storm water utility funding can be used for I and I studies because it is a storm water issue. He stated flooding on the creek from the log jams would be a separate project.

Mayor Seagraves stated his fear is because of the cold weather one day and then 50 degrees the next week and it rains again, we will be right back to where we were a few weeks ago. He stated with the recent weather patterns, what do we do, there is nothing we can do about the weather. He stated Council will need to step up and make a commitment.

Mayor Seagraves thanked Stephan Bridenbaugh for attending tonight.

Manager Burkholder reported two students from the Wright State University are working on their Capstone Projects and will be doing focus groups for the City of Brookville. He informed they are looking for volunteers to participate and give their opinions on what they would like to see for the future of City of Brookville. He stated there will be three focus group dates and each will last 90 minutes.

Finance Director presented the February 28, 2019 Fund Balance.

Motion by Kirklin, second by Schreier to approve the February 28, 2019 Fund Balance as presented. All yeas, motion carried.

Finance Director Keaton reminded the City of Vandalia Income Tax Department will once again have representatives at our City Building to assist our residents with the preparation of the local income tax returns, at no charge. She informed the representatives will be in the office on Friday, March 22 from 8:00 a.m to 4:30 p.m. and again on Saturday, March 23 from 8:00 a.m. to noon.

Finance Director Keaton informed auditors will be in the City Office this week working on our 2018 audit.

Fire Chief Fletcher presented the February Operations Report.

Fire Chief Fletcher reported a high number of illnesses with flu like symptoms in both the community and his personnel.

Fire Chief Fletcher reported the rescue truck was picked up today, the structural damage has been repaired and now just has minor fabrication to be done locally and then will be back on the road soon.

Fire Chief Fletcher announced a focus this month will be getting carbon monoxide detectors in homes in the community. He informed the Fire Department has received donated detectors. He informed they will do their best to identify those in need of a carbon monoxide detector in their home and the Fire Department will install it.

Police Chief Jerome reported the Brookville Police Department handled 96 Incidents year-to-date, compared to 87 during this same time last year. Police Chief Jerome reported Citations are up a total of 1 Citation year-to-date, for a total of 85 Citations issued year-to-date. There were 145 traffic stops for February compared to 193 during February 2018.

Police Chief Jerome stated it is a busy time of year as his Department has wrapped up employee evaluations, department inventories and their Annual Report.

Member Kirklin stated at the last Meeting she expressed gratitude to the Fire Chief and the Fire Department and now she wanted to personally thank the Police Chief and the Police Department for what they do on a daily basis. She informed her family was recently in a situation they happened to stumble on and had to place a 9-1-1 call for police. She thanked the Police Department for their quick response and all of their hard work and dedication.

Law Director Stephan had no report.

Mayor Seagraves had no report.

There was no Old Business.

In New Business,

Manager Burkholder informed information was submitted to Council on Governor Dewine's initiative to add 18 cents per gallon to the gasoline tax. He informed ODOT has a deficit of about \$1.2 billion per year and will not be able to fix state routes, which will also affect the local level. He informed this gas tax is to help with that deficit and some of those funds will come to the local levels. He informed the Ohio Municipal League is supporting this. He provided Council with the Ohio Fix our Roads document. He stated it is up to Council as to where we stand on this but, he thinks it is an important issue.

Member Schreier asked if this is an endorsement and will it help us in any specific way?

Manager Burkholder informed it is an endorsement and is about showing local support. He stated there are groups for it and groups against it but there needs to be funding for our roads. He informed he has discussed this with Paul Grunner, the Montgomery County Engineer.

Mayor Seagraves asked when the last gas tax increase occurred?

Manager Burkholder informed 2005.

Motion by Schreier, second by Kirklin to read proposed Resolution No. 19-06. All yeas, motion carried.

Member Fowler stated 18 cents is absurd.

Member Letner stated if passed Ohio would be 5th highest tax in the country, but on the flip side, our infrastructure does need it.

Manager Burkholder informed in the past, the state borrowed money against the turnpike's future revenue which is why Ohio is in the position they are in. He stated currently Ohio is lower than the surrounding states on gas tax.

Member Kirklin stated maybe if the state hadn't waited so long to pass an increase, it wouldn't have had to be so high.

Member Letner stated the Arlington Road Bridge is a good example of what the money could be used for.

Manager Burkholder informed this will affect future projects.

Mayor Seagraves asked if there was a Motion to approve proposed Resolution No. 19-06?

Mayor Seagraves stated there was no motion to approve proposed Resolution No. 19-06 entitled, "A Resolution in support of Governor DeWine's recommended increase of the Ohio Motor Fuel Tax, and declaring it an emergency."

Mayor Seagraves asked if Council wanted to have the first reading of proposed Ordinance No. 2019-02 tonight and then have further discussion at the next Meeting?

Member Letner suggested tabling proposed Ordinance No. 2019-02 since Member Zimmerlin is absent. He suggested having the first reading in two weeks when there is a full quorum.

Mayor Seagraves stated he understands Member Zimmerlin is absent, but he would personally like to see this move forward. He stated it is only a first reading, there will still be two more readings and plenty of time for discussion.

Motion by Fowler, second by Schreier to table proposed Ordinance No. 2019-02 entitled, "AN ORDINANCE ESTABLISHING A STORM WATER MANAGEMENT UTILITY IN THE CITY OF BROOKVILLE, OHIO." Motion carried with 4 yeas and 2 nays. Members Fowler, Letner, Schreier, and Wilder voted yes. Members Seagraves and Kirklin voted no.

Mayor Seagraves asked for any discussion on future ideas for Fire Station #1 building.

Manager Burkholder informed surplus property is currently being stored there now to be sold in a public auction. He informed the Service Department is utilizing Station 2 to store equipment that previously sat outside. He informed Staff is also cleaning up the mezzanine area of Station 2 for a records retention area. He stated the tentative plan is to hold a public auction at Station 1 in early June to get rid of the surplus items. He stated this topic was requested to be on the Agenda by a Council Member.

Mayor Seagraves suggested tabling ideas for Station #1 and continue to use it for storage until after the auction.

Motion by Kirklin, second by Schreier to table discussions on the future of Fire Station 1 until after the Public Auction is held in June. All yeas, motion carried.

Manager Burkholder reported the STP project applied for at the intersection of Arlington Road and Triggs Road has been approved to go before the MVRPC Board for a final vote in March and then will move onto the State. He informed this project would re-do the intersection of Arlington Road and Triggs Road including the upgrade signals

Member Kirklin, Park Board Liaison, informed the next Park Board Meeting is scheduled for Tuesday, March 12, 2019.

Member Schreier, Planning Commission Member, reported at the last Planning Commission Meeting on January 21, 2019 Members discussed rebates to apply for LED street lighting. He informed the City is trying out a few samples of LED lights on Market Street. He reported Zoning Officer Snedeker proposed some ideas for signage and asked Members to review and discuss at next meeting.

Mayor Seagraves thanked audience members for attending tonight's Meeting.

Adam Blevins, the Brookville Chamber of Commerce President, stated the Chamber is very pleased with the conversations on the pedestrian bridge. He informed the Chamber has received a public donation of \$8,000 to be pledged towards the bridge project.

Kim Cheatham, of 565 Adrian Court, asked the final estimate amount received on the pedestrian bridge?

Member Letner informed approximately \$9,255.

Ms. Cheatham asked if there has been any further discussion on changes to the phone system as mentioned at a previous meeting.

Mayor Seagraves stated input has been received.

Manager Burkholder informed not a lot of reprogramming has been done yet, Staff does try to answer the phone as much as possible but if they are tied up, the automated system will pick up and the option to leave a message is available. He stated the automated system will direct a caller to the needed department very quickly. He stated there is a lot of volume that goes through the front office and there are a lot of times when everyone in the front office is on the phone or with a customer.

Member Letner asked why is the first statement heard when calling in about dialing 9-1-1 if it's an emergency? He asked who wouldn't dial 9-1-1 in an emergency?

Fire Chief Fletcher informed the Fire Department receives a lot of calls to the firehouse number that are both emergency and non-emergency type of calls. He informed they do receive calls to the firehouse non-emergency phone number from people who are requesting an ambulance. He described the Fire Department tries to educate people on when they should dial 9-1-1. He stated it is a standard national expectation that most governmental lines that have a potential to receive a misplaced call lead off with a warning to call 9-1-1 if it's an emergency. He stated it is much easier to trace a call if needed through the 9-1-1 system.

Member Letner asked if that happens, do we pay a dispatch fee?

Fire Chief Fletcher informed any call that goes through the center that creates a call for service for Police or Fire gets a dispatch cost. He informed if a call is made to the dispatch center that does not require service, but just asking a general question, then we are not charged.

Ms. Cheatham stated where she works, she has multiple coworkers who all have their phones ring three times each before the call goes to a voicemail and she never has anyone complain about their call ringing multiple phones compared to callers getting an automated system with options to press.

Mayor Seagraves stated several people have voiced their opinions on the issue. He stated this is a small town.

Manager Burkholder informed the Front Office Staff has asked to be able to weigh in on this issue. He stated he can gather their comments and provide back to Council.

Motion by Fowler, second by Kirklin to adjourn. All yeas, motion carried.

Meghan Wheeler, Clerk of Council

David Seagraves, Mayor

Brookville City Council
Special Meeting
March 5, 2019

The Special Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:00 p.m. on March 5, 2019 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Fowler, Kirklin, Letner, Schreier, and Wilder; Law Director Stephan and Clerk Wheeler were present. Member Zimmerlin; City Manager Burkholder, Finance Director Keaton, Police Chief Jerome and Fire Chief Fletcher were absent.

Mayor Seagraves informed Member Zimmerlin is absent tonight due to an illness.

Roll Call by Clerk Wheeler.

Motion by Kirklin, second by Fowler to approve the Agenda as presented. All yeas, motion carried.

Motion by Kirklin, second by Schreier to enter into Executive Session per ORC 121.22 (G)(1) consider the appointment of a public official and to interview applicants for the open Board of Zoning and Appeals position. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session

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

Meghan Wheeler, Clerk

David E. Seagraves, Mayor

"Even if you're on the right track, you'll get run over if you just sit there."

Will Rogers

- Staff requests Council schedule another revenue work session in light of the operational and capital needs for all departments. Police Department negotiations begin this fall for a new 3-year contract. Any negotiated salary increase will apply to all departments per City Council policy.
- Attended Managers Roundtable with a brief discussion on the Dayton water crisis. A debriefing will be held with the City of Dayton, Montgomery County, and the Dayton Area Managers.
- City staff continues to work on a Hazard Mitigation Grant Pre-application with assistance from the Hazard Mitigation Program Director in the Ohio Department of Public Safety.
- Attended the Perry Township Trustee meeting. The Trustees agreed to meet with City staff at a special work session to discuss the Fire and EMS contract with Perry Township which expires at the end of this year. The meeting will be held at Station 76 in April.
- Attended the Park Board meeting and presented quotes on painting at Golden Gate Park. Also presented the quote to replace the roof on the Leiber Center which is before Council for approval. Funding is limited inasmuch as no 2019 capital improvement money has been appropriated for the parks. Also investigating a roof leak at the Community Theatre.
- A purchase order has been approved to replace defective outside lighting at the Leiber Center and Shelter 3. The lights will be replaced with energy efficient LEDs.
- Received letter from the Miami Valley Regional Planning Commission advising their Board of Directors approved the City's request for \$96,700 in STP funding for the Arlington Road and Upper Lewisburg-Salem Road intersection improvements. The City's local match is \$54,726.
- Submitted the Safe Routes to School application to the Ohio Department of Transportation with a total grant request of \$312,584.12. Applicants will be notified in June 2019. The City Manager will attend a SRTS presentation on April 22nd.
- Purchasing LED bulbs for the downtown street lights.
- Legislation creating a storm water utility is on the Council agenda for a first reading. This legislation was tabled at the Council's last meeting. A storm water utility would provide annual funding to deal with citywide storm water issues. Storm water information was forwarded to City Council.
- The Police Department hosted a two-day police officer training seminar at Fire Station 76 with over 50 officers from both in and out of state. A good example of our new facility serving as a regional training center.

- Conducted a field review of the pedestrian bridge at Golden Gate Park with Service Superintendent, Chris Homan, Montgomery County Senior Engineer Stephanie Ann Goff, and her staff. Rehab of the bridge is possible, but uncertainty remains regarding the extent of repairs needed and the amount of time required. By replacing the vertical supports, debris during flood waters will remain a problem since the bridge is not a clear span bridge. If the City's long-term intention is to expand the use of the park and the former BMX area, then replacement is recommended. Contingent on how the bridge is repaired, safety concerns remain regarding railing height and the trip hazard at the approaches. The replacement of the current bridge abutments is not possible because such reconstruction would damage the historical burr oak trees adjacent to the bridge as previously documented by the Ohio Department of Natural Resources.
- Reviewed the inspection reports from 2012 and 2018 on the City's 500,000 gallon water tank. Staff will check into an OPWC rehab grant to fund this project.
- Reviewing annual reports for submission to City Council.

Respectfully submitted,

Gary Burkholder

City Manager

gburkholder@brookvilleohio.com

Office: (937) 833-2135

Giant Oil of Dayton begins construction of the new gas station at the corner of Arlington and Triggs Roads.





City of **BROOKVILLE** ***POLICE***

Chief Douglas Jerome

djerome@brookvilleohio.com



Council Meeting Agenda March 19, 2019

Reportable Incidents

1/1/2018 – 3/15/2018 = 103

1/1/2019 – 3/15/2019 = 125

Citations

1/1/2018 – 3/15/2018 = 97

1/1/2019 – 3/15/2019 = 99

Traffic Stops

February 2018 – 193

February 2019 – 145

Items of Interest

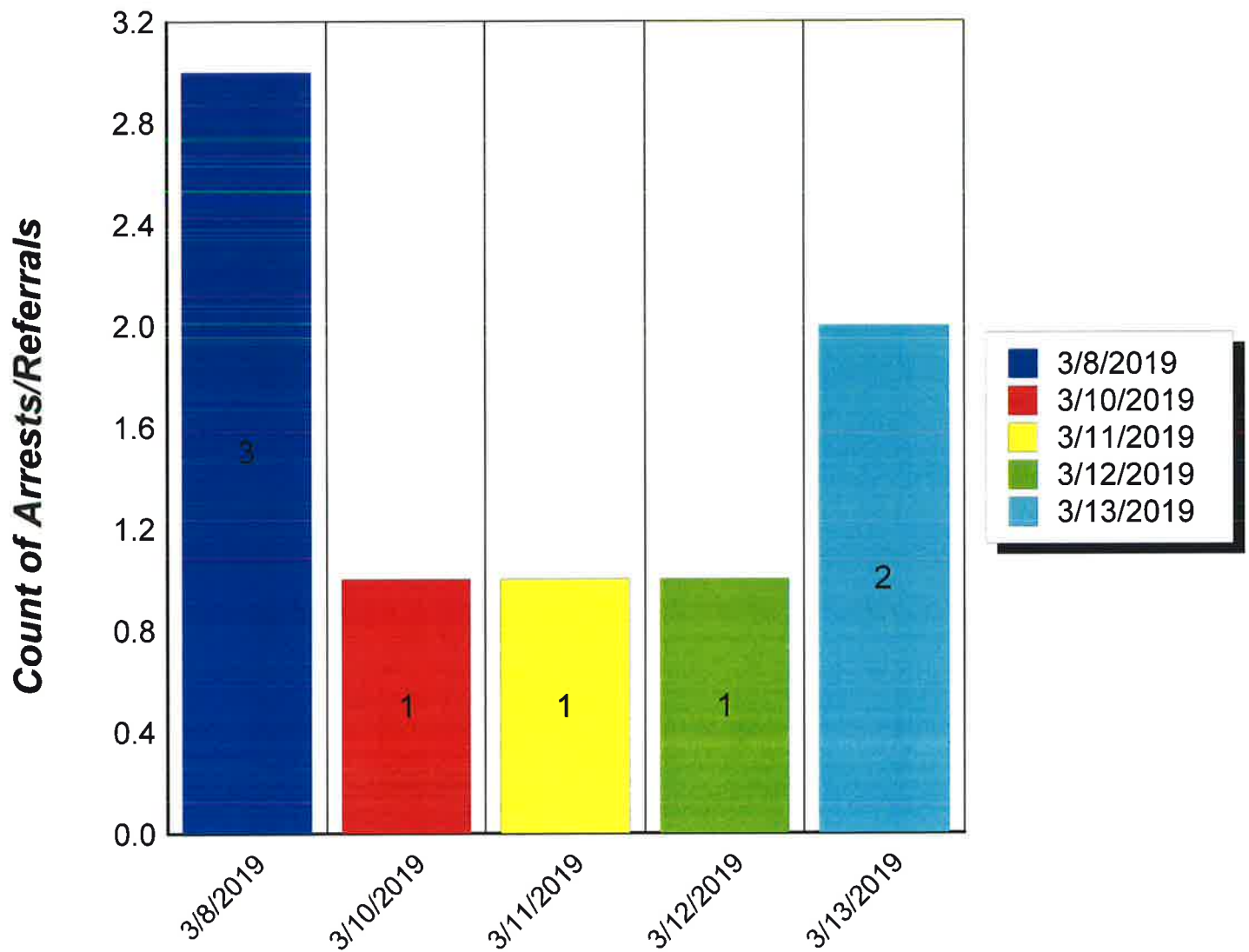
1. March 13 & 14, 2019 – We completed our first regional training class at Brookville Fire Station 76 – The training course was called Street Cop Training (drug interdiction) which was attended by 50+ people from all over the country.

Brookville Police Department

Arrest Log by Date

Arrest Date	Total Arrests
March 08, 2019	3
March 10, 2019	1
March 11, 2019	1
March 12, 2019	1
March 13, 2019	2
Total Selected = 8	

Brookville Police Department

Arrest Log by Date

Brookville Police Department

Incident Arrest Blotter

Arrest Date	Time	Suspect's Name	Address, Charges(s)	Incident ID
03/08/2019		CODY R. WILKIE	1507 LEWISBURG WESTERN RD, LEWISBURG, OH 4533 260: ALL OTHER CRIMINAL OFFENSES	2019-00108
		SHAWN P. PACK	917 SOUTHFIELD AVE, SPRINGFIELD, OH 45505 35: WARRANT ARREST	2019-00109
03/08/2019	07:08 PM	THOMAS W. NEIGHBOI	1641 CYPRESS ST, SPRINGFIELD, OH 45505 4510.111: CHILD SUPPORT SUSPENSION 35: WARRANT ARREST 451021: FAILURE TO REINSTATE 4513071: STOP LIGHTS	2019-00109
03/10/2019		JAMES G. HANNAH	7425 SALEM RD, LEWISBURG, OH 45338 451014: DRIVING UNDER ALS SUSPENSION 451322: EXCESSIVE SMOKE 430162B4: Open container liquor - operator or passenger of v	2019-00112
03/11/2019		JASON D. LANDERS	624 BRUMBAUGH DR, NEW CARLISLE, OH 45344 35: WARRANT ARREST	2019-00113
03/12/2019		ELISE C. CLARK	5000 N HICKORY ST, MUNCIE, IN 47303 291731A3: Inducing panic - commit offense with reckless disr	2019-00120
03/13/2019		AARON M. KOOGLER	111 HAY AVE, BROOKVILLE, OH 45309 35: WARRANT ARREST	2019-00121
		NATASHA C. MEEKS	10 GROVE ST. P.O. BOX 131, GILBERTSVILLE, NY 13776 292511: Drug abuse - obtain, possess, use controlled subst 292511: Drug abuse - obtain, possess, use controlled subst 292514: Drug paraphernalia 451139: FAILURE TO SIGNAL	2019-00124

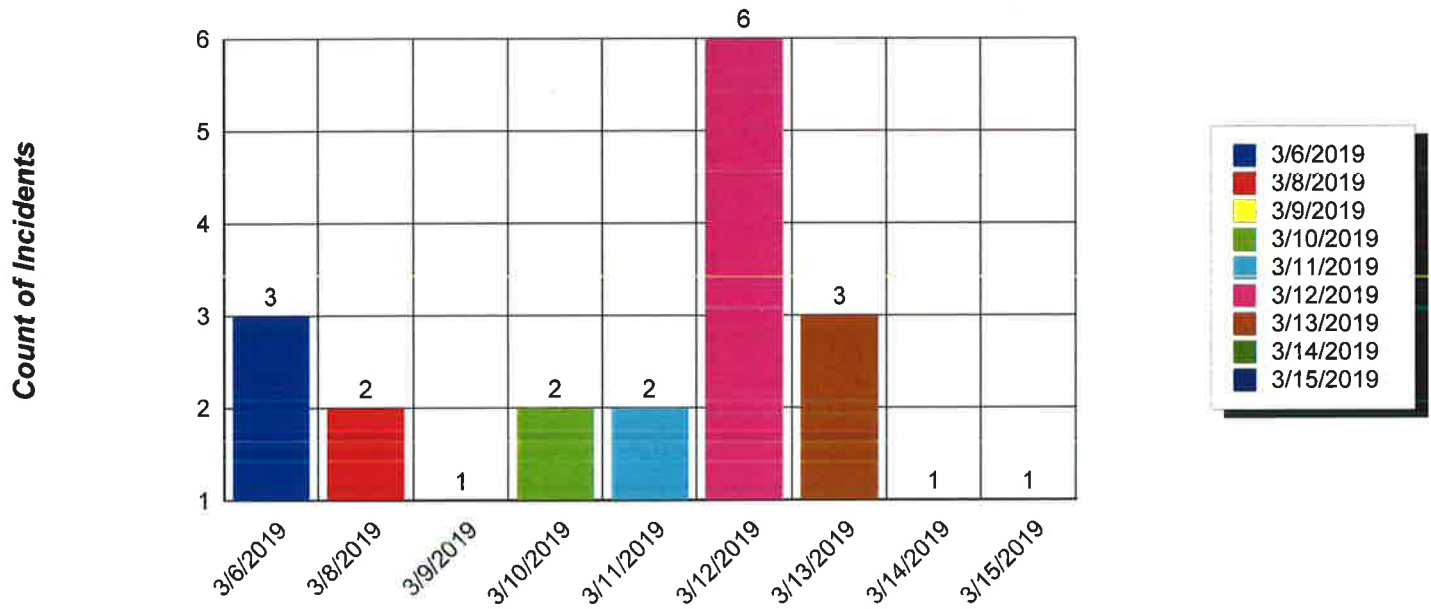
Total Selected = 8

Brookville Police Department

Incident Log by Date Reported

Date Reported	Day of Week	Total Reported
03/06/2019	Wednesday	3
03/08/2019	Friday	2
03/09/2019	Saturday	1
03/10/2019	Sunday	2
03/11/2019	Monday	2
03/12/2019	Tuesday	6
03/13/2019	Wednesday	3
03/14/2019	Thursday	1
03/15/2019	Friday	1
Total Selected = 21		

Brookville Police Department

Incident Log by Date Reported

Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
March 06, 2019					
2019-00105	301 SYCAMORE ST BROOKVILLE PD	SIGNAL 26O - DOG BITE	03/06/2019	03/06/2019	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2019-00106	1 BLUE PRIDE DRIVE BROOKVILLE PD	SIGNAL 26I - PINK SLIP	03/06/2019	03/06/2019	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
2019-00107	520 ARLINGTON RD BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/06/2019	03/06/2019	EXCEPTIONALLY CLEARED
Offenses UCR Offense Description 1 02 26I - INFORMATION REPORT					
<i>Total Incidents Reported for Date: 3</i>					

March 08, 2019

2019-00108	WESTBROOK RD @ WESTERN AVE BROOKVILLE PD	SIGNAL 26O - PROTECTION ORDER VIOLATION	03/08/2019	03/08/2019	ARREST
Offenses UCR Offense Description 2 N/A 33303C - PRIMA FACIE SPEED-ILLEGAL TO EXCEED 02 26O - ALL OTHER CRIMINAL OFFENSES					
2019-00109	IR70 EB RAMP BROOKVILLE PD	SIGNAL 35 - WARRANT ARREST	03/08/2019	03/08/2019	ARREST
Offenses UCR Offense Description 5 N/A 4510.111 - CHILD SUPPORT SUSPENSION N/A 35 - WARRANT ARREST N/A 451021 - FAILURE TO REINSTATE N/A 4513071 - STOP LIGHTS N/A 35 - WARRANT ARREST					
<i>Total Incidents Reported for Date: 2</i>					

March 09, 2019

2019-00110	110 WESTERN AVE BROOKVILLE PD	SIGNAL 17 - SEX OFFENSE	03/09/2019		OPEN CASE
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Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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March 09, 2019

Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

March 10, 2019

2019-00111	301 SYCAMORE STREET BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/10/2019	03/10/2019	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

2019-00112	510 E UPPER LEWISBURG SALEM RD BROOKVILLE PD	SIGNAL 22 - OPEN CONTAINER	03/10/2019	03/10/2019	ARREST
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Offenses UCR Offense Description
 3 N/A 451014 - DRIVING UNDER ALS SUSPENSION
 N/A 451322 - EXCESSIVE SMOKE
 02 430162B4 - Open container liquor - operator or passenger of v

Total Incidents Reported for Date: 2

March 11, 2019

2019-00113	70 WEST HEBBLE AVENUE BROOKVILLE PD	SIGNAL 35 - WARRANT ARREST	03/11/2019	03/11/2019	ARREST
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Offenses UCR Offense Description
 1 N/A 35 - WARRANT ARREST

2019-00114	301 SYCAMORE ST BROOKVILLE PD	SIGNAL 18 - POSSESSION OF DRUGS	03/11/2019		OPEN CASE
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Offenses UCR Offense Description
 1 01 292503 - Aggravated trafficking

Total Incidents Reported for Date: 2

March 12, 2019

2019-00115	325 CARR DR BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/12/2019		OPEN CASE
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Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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March 12, 2019

Offenses UCR Offense Description

1 02 26I - INFORMATION REPORT

2019-00116	1 BLUE PRIDE DRIVE BROOKVILLE PD	SIGNAL 18 - DRUG ABUSE	03/12/2019		OPEN CASE
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Offenses UCR Offense Description

1 01 292511C3 - Drug abuse - marijuana

2019-00117	275 CROSSWELL AVE BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/12/2019	03/12/2019	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description

1 02 26I - INFORMATION REPORT

2019-00118	120 BLUE PRIDE DR BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/12/2019	03/12/2019	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description

1 02 26I - INFORMATION REPORT

2019-00119	258 JOANNA ST UNIT 4 BROOKVILLE PD	SIGNAL 26O - MISSING PERSON	03/12/2019	03/13/2019	EXCEPTIONALLY CLEARED
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Offenses UCR Offense Description

1 02 26O - ALL OTHER CRIMINAL OFFENSES

2019-00120	926 ARLINGTON RD BROOKVILLE PD	SIGNAL 18HO - HEROIN OVERDOSE	03/13/2019	03/13/2019	ARREST
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Offenses UCR Offense Description

1 04 291731A3 - Inducing panic - commit offense with reckless disr

Total Incidents Reported for Date: 6

March 13, 2019

2019-00121	MAPLE ST & MCKINLEY ST BROOKVILLE PD	SIGNAL 35 - WARRANT	03/13/2019	03/13/2019	ARREST
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Offenses UCR Offense Description

1 N/A 35 - WARRANT ARREST

2019-00122	1 BLUE PRIDE DRIVE BROOKVILLE PD	SIGNAL 18 - DRUG ABUSE	03/13/2019		OPEN CASE
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Brookville Police Department

Incident Log by Date Reported

Incident ID	Location, Area	Description	Date Occurred	Cleared Date	Status
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March 13, 2019

Offenses UCR Offense Description
 1 01 292511C3 - Drug abuse - marijuana

2019-00124	MAIN ST @ WALNUT ST BROOKVILLE PD	SIGNAL 18 - DRUG ABUSE	03/14/2019	03/13/2019	ARREST
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Offenses UCR Offense Description
 4 01 292511 - Drug abuse - obtain, possess, use controlled subst
 01 292511 - Drug abuse - obtain, possess, use controlled subst
 02 292514 - Drug paraphernalia
 N/A 451139 - FAILURE TO SIGNAL

Total Incidents Reported for Date: 3

March 14, 2019

2019-00125	1 BLUE PRIDE DRIVE BROOKVILLE PD	SIGNAL 26I - INFORMATION REPORT	03/14/2019		OPEN CASE
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Offenses UCR Offense Description
 1 02 26I - INFORMATION REPORT

Total Incidents Reported for Date: 1

March 15, 2019

2019-00126	I-70 WB ON RAMP @ ARLINGTON ROAD BROOKVILLE PD	SIGNAL 55- TRAFFIC STOP	03/15/2019		OPEN CASE
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Offenses UCR Offense Description
 1 N/A 450321 - FAILURE TO DISPLAY REGISTRATION

Total Incidents Reported for Date: 1

Total Selected = 21



Public Health - Dayton & Montgomery County
Summary of EpiCenter Anomaly (Drugs) – March 12, 2019

An EpiCenter anomaly was detected in the category Drugs (traumatic injury). The anomaly occurred on March 12, 2019 at 2:04 pm by **home location**.

Visits to emergency rooms by Montgomery County **residents** exceeded the predicted value between 1:00 pm on March 11, 2019 and 1:00 pm March 12, 2019.

There were 14 visits to emergency rooms, which exceeded the predicted value of 5.86 visits and the threshold value of 13.96 visits.

14 total drug-related visits

- Age range – 16 to 61 years; average age of 36.2 years
- 5 males and 9 females
- Race – White (12), Black (1), Other (1)
- 7 descriptions referenced an OD or overdose
- 4 descriptions referenced intentional self-harm/suicidal ideations
- 2 descriptions referenced substance abuse/withdrawal
 - 1 mentions alcohol and unspecified drugs
- 1 description referenced an accidental overdose due to Bupropion (medication to treat depression)

7 overdose visits

- Age range – 17 to 60 years; average age of 42.1 years
- 3 males and 4 females
- Race – White (7)
- 1 description referenced the use of heroin

ICD Diagnosis Codes— 10 known

- (3) – psychoactive substance abuse
- (2) – poisoning by unspecified drugs
- (2) – intentional self-harm by unspecified drug
- (1) – poisoning by Heroin
- (1) – alcohol abuse
- (1) – mental health disorder

Zip Code	City	Count
45322	Englewood/Union	1
45403	Dayton	1
45405	Dayton	4
45417	Dayton/Jefferson Township/Drexel	3
45420	Dayton/Kettering	1
45424	Huber Heights	1
45429	Kettering/Centerville	1
45439	Moraine/ West Carrollton	1
45459	Centerville	1

Facility	Number of Visits
Dayton Children's Hospital	1
Grandview Medical Center	2
Kettering Health Network Emergency - Franklin	1
Kettering Medical Center	1
Miami Valley Hospital	7
Miami Valley Hospital South	2

Public Health - Dayton & Montgomery County continues to communicate with Montgomery County Emergency Management, Hospitals, Law Enforcement, Fire/EMS and other partners concerning the recent surge in overdose-related emergency room visits. This information is shared with all members of the Community Overdose Action Team (COAT).

Additional actions include:

1. Working directly with Dayton Police Department, Dayton Fire/EMS, and the Regional Dispatch Center to determine the location of overdoses,
2. Contacting the Montgomery County Coroner's Office to assess if there has been a corresponding increase in overdose deaths, and
3. Contacting the Ohio Department of Health for additional resources if deemed necessary.

Report Completed by:

Public Health - Dayton & Montgomery County, Epidemiology Section, 3/12/2019



Agenda Item

COUNCIL MEETING DATE: March 19, 2019

TYPE OF AGENDA ITEM: Action Item

TO: Meghan Wheeler, Clerk of Council

FROM:

DATE:

SUBJECT: Pedestrian Bridge at Golden Gate Park

I. BACKGROUND:

II. DISCUSSION:

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None



Agenda Item

COUNCIL MEETING DATE: March 19, 2019

TYPE OF AGENDA ITEM: Ordinance

TO: Meghan Wheeler, Clerk of Council

FROM:

DATE:

SUBJECT: First Reading of proposed Ordinance No. 2019-02 entitled, "An Ordinance establishing a stormwater management utility in the City of Brookville, Ohio." tabled 3/5/19

I. BACKGROUND:

II. DISCUSSION:

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. Ord 19-02 Stormwater management

AN ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT UTILITY IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, the City of Brookville is required by law to manage the stormwater system which provides for the collection, treatment, storage and disposal of stormwater in the City of Brookville; and

WHEREAS, the City desires to establish a stormwater management utility to assist with the cost of stormwater management in the City of Brookville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, THAT:

SECTION I: The Council of the City of Brookville hereby adopts Chapter 937 entitled Stormwater Management Utility of the Code of Ordinances as follows:

CHAPTER 937

STORMWATER MANAGEMENT UTILITY

937.01 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicated or requires a different meaning.

(A) STORMWATER MANAGEMENT UTILITY:

The Stormwater Management Utility for the City of Brookville which shall be responsible for developing and implementing stormwater management plans and for managing stormwater facilities, stormwater systems and stormwater sewers in the City of Brookville.

(B) STORMWATER MANAGEMENT USER FEE:

The Stormwater Management User Fee for the City of Brookville is a fee established to fund and support the City's efforts to address issues presented in the recital provisions of the National Pollutant Discharge Elimination System (NPDES) Phase II stormwater permit and required operation, maintenance and replacement costs of the stormwater system in the City of Brookville

(C) DIRECTOR OF STORMWATER MANAGEMENT UTILITY:

The Director of the Stormwater management utility shall be the City Manager.

(D) STORMWATER SYSTEM

Stormwater System means all manmade facilities, structures and natural watercourses used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlet, including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees and pumping stations.

937.02 STORMWATER MANAGEMENT FEE

A stormwater management fee is imposed on each and every residential structure, mixed use structure, commercial structure, industrial structure and governmental or non-profit structure, and the owner thereof, excepting only public street, road, and alley rights of way.

The stormwater management fee shall be used exclusively for the repair, replacement, improvement, operation, regulation and maintenance of existing and future City of Brookville stormwater systems.

937.03 CLASSIFICATION OF PROPERTY

(A) Except as provided in this Chapter, all residential developed property and non-residential developed property located within the limits of the city shall be subject to the stormwater management user fee established by this Chapter regardless of whether the properties are privately or publically owned. Unimproved property shall not be subject to the stormwater management user fee.

(B) There shall be five classifications of structures on property:

(1) Residential Structure: A Residential Structure is a structure or building that is used exclusively for residential purposes.

(2) Mixed Use Structure: A Mixed Use Structure is a structure or building that is used for both residential and commercial purposes.

(3) Commercial Structure: A Commercial Structure is a structure or building used for commercial purposes such as an occupation or enterprise for the purchase, sale, barter or exchange of goods, wares, merchandise, or services, or the maintenance or operation of an office or offices for the provision of services or goods.

(4) Industrial Structure. An industrial structure is a structure or building wherein an enterprise engages in the manufacturing, assembly, or production of goods, wares, merchandise or products.

(5) Governmental or Non-Profit Structure: A governmental or non-profit structure is a structure or building used primarily for a government or non-profit purpose.

937.04 USER FEES ESTABLISHED

(A) The City Manager is directed to prepare a list of all lots and parcels within the City, and assign a classification for each structure on a lot and parcel. The classifications shall include the following:

- (1) Class A-Residential Structure
- (2) Class B-Mixed Use Structure
- (2) Class C-Commercial Structure
- (3) Class D-Industrial Structure
- (4) Class E-Governmental or Non-Profit Structure

(B) The user fee for the classes of structures shall be as follows:

(1) Class A-Residential Structure	\$4.50 per month
(2) Class B-Mixed Use Structure	\$7.50 per month
(2) Class C-Commercial Structure	\$7.50 per month
(3) Class D-Industrial Structure	\$10.50 per month
(4) Class E-Governmental or Non-Profit Structure	\$4.50 per month

(C) The user fee shall be assessed for each structure on a lot or parcel, excluding any accessory structures, and if there are multiple structures on a single lot or parcel, a user fee shall be assessed for each structure.

(D) Rates and charges incurred under this section shall be prepared and collected by the City in accordance with those provisions regulating the preparation and issuance of bills for utility service. The monies collected under this section shall be used expressly for the benefit of the stormwater system and shall be deposited into the stormwater management fund.

937.05 COLLECTION

(A) The billing and collection of stormwater user fees shall be administered by the City Utilities Billing Office. The stormwater user fees shall be billed quarterly with payment due as of the date stated in the billing.

(B) The Stormwater Management Utility shall have authority to assess unpaid stormwater management user fees to the Montgomery County Auditor to be placed on the tax duplicate as an assessment on the property. In the alternative, the City may take appropriate legal action to collect unpaid stormwater management user fees.

937.06 REVENUE ADMINISTRATION

(A) All revenues generated by or on behalf of the Stormwater Management Utility shall be deposited in a Stormwater Managment Fund and used exclusively for the stormwater management program.

(B) To the extent that the Stormwater Management user fees collected are insufficient to construct needed stormwater drainage facilities, the cost of the same may be paid from such City funds as may be determined by the Council. However, revenues from the City’s stormwater utility shall not be utilized for non-stormwater drainage expenses.

(C) The Stormwater Utility Fund shall be used for the following purposes:

- 1. Acquisition of property by gift, purchase, or condemnation necessary to construct, operate, and maintain stormwater management facilities.

2. Costs of administration and implementation of the stormwater management program.
3. Engineering and design; debt service and related financing expenses, planning and construction costs for new stormwater facilities; and inspection, enlargement, or improvement of existing facilities.
4. Operation and maintenance of the stormwater system, including the monitoring and inspection of stormwater control devices and facilities.
5. Water quality monitoring and water quality programs.
6. Inspection and enforcement activities.
7. Elected official, appointed official, stakeholder, and general public education and outreach relating to storm water.
8. Billing and revenue collection.
9. Other activities that are reasonably required to manage and operate the stormwater system.

(D) Funding for the storm water management system and other stormwater management activities connected therewith may include, but not be limited to:

1. Funds appropriated by the City;
2. Stormwater management user fee;
3. Permit and inspection fees;
4. Direct Charges. This charge will be collected from owners and developers for the costs of designing and constructing stormwater facilities and administrative costs and related expenses where the City designs and constructs, or contracts for the construction of the facilities.
5. Direct Assessments. The City may assess property owners for the costs of maintaining stormwater facilities that are not being maintained by the property owners directly benefiting from the stormwater facility.
6. Other income obtained from federal, state, local, and private grants, loans, or revolving funds.

937.07 POLICY FAIRNESS AND EQUITABILITY

The City Manager, with approval by the City Council, shall develop, periodically update, and make available to the public a document that expresses in the necessary detail the City's policies governing the stormwater user fee rate structure, billing administration, and other related issues.

937.08 ENFORCEMENT

The City Manager is authorized to take appropriate legal action to require compliance with this Chapter.

937.09 FLOODING NO LIABILITY

Floods and stormwater runoff may occasionally occur which exceeds the capacity of the system. This Ordinance does not imply nor create a duty on the City to insure that property subject to fees and charges established herein will always be free from flooding or flood damage, or that stormwater systems capable of handling all storm events can be cost effectively constructed, operated, or maintained. Nor shall this ordinance create a liability on the part of, or cause of action against, the City, or any of their elected officials, officers, or employees for any flood damage or any damage that may result from storms or runoff thereof.
Nor does this section purport to reduce the need or the necessity for obtaining flood insurance.

937.10 SEVERABILITY

If any section, subsection, sentence, clause or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions.

SECTION II: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III: This Ordinance shall take effect thirty (30) days after passage as provide by the Charter of the City of Brookville.

PASSED this _____ day of _____, 2019.

ATTEST:

MEGHAN WHEELER, CLERK

DAVID E. SEAGRAVES, MAYOR

CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance 2019-02, passed by the Council of the City of Brookville, Ohio, on the _____ day of _____, 2019.

MEGHAN WHEELER, CLERK

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance 2019-02 , was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____, 2019 to _____ day of _____, 2019, both days inclusive.

MEGHAN WHEELER, Clerk

Agenda Item

COUNCIL MEETING DATE: March 19, 2019

TYPE OF AGENDA ITEM: Ordinance

TO: Meghan Wheeler, Clerk of Council

FROM:

DATE:

SUBJECT: First reading of proposed Ordinance 2019-03 entitled, "An Ordinance levying assessments for the cutting and removal of weeds, vines, grass and/or other vegetation during the year 2018 for certain properties in the City of Brookville, Ohio."

I. BACKGROUND:

II. DISCUSSION:

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. Exhibit A, 2019-03
2. Ord. 2019-03

Exhibit A

<u>Name</u>	<u>Address</u>	<u>City, State</u>	<u>Parcel ID</u>	<u>Cost</u>	<u>Administrative Fee</u>	<u>Total w/Admn. Fee.</u>	<u>Cty. Fee</u>	<u>Total Cost</u>
Vicki L. Busche	28 E. McKinley Street	Brookville, Ohio	C05 00204 0005	\$ 900.00	\$ 18.00	\$ 918.00	\$ 45.90	\$ 963.90
Contemporary Cabinets, Inc.	125 Carr Drive	Brookville, Ohio	C05 00411 0004	\$ 1,100.00	\$ 22.00	\$ 1,122.00	\$ 56.10	\$ 1,178.10
Contemporary Cabinets, Inc.	Corner Church & N. Orchard	Brookville, Ohio	C05 00213 0038	\$ 900.00	\$ 18.00	\$ 918.00	\$ 45.90	\$ 963.90
David P & Teresa L Wells	214 Hay Avenue	Brookville, Ohio	C05 00203 0040	\$ 200.00	\$ 4.00	\$ 204.00	\$ 10.20	\$ 214.20
David P Wells Et Al 3	16 Walnut Street	Brookville, Ohio	C05 00201 0048	\$ 300.00	\$ 6.00	\$ 306.00	\$ 15.30	\$ 321.30
Thomas Trost & Carly Ross	7 Vienna Court	Brookville, Ohio	C05 00301 0011	\$ 200.00	\$ 4.00	\$ 204.00	\$ 10.20	\$ 214.20
John E. Hurley	692 Vine Street	Brookville, Ohio	C05 00101 0045	\$ 1,000.00	\$ 20.00	\$ 1,020.00	\$ 51.00	\$ 1,071.00
Frank L. Huff	745 Albert Road	Brookville, Ohio	C05 00111 0029	\$ 300.00	\$ 6.00	\$ 306.00	\$ 15.30	\$ 321.30
Michael A. Gassaway	15 Western Avenue	Brookville, Ohio	C05 00208 0018	\$ 300.00	\$ 6.00	\$ 306.00	\$ 15.30	\$ 321.30
Michael Gassaway	5 S. Wolf Creek Street	Brookville, Ohio	C05 00208 0050	\$ 200.00	\$ 4.00	\$ 204.00	\$ 10.20	\$ 214.20
Brian L. Whitmire	572 W. Westbrook	Brookville, Ohio	C05 00215 0011	\$ 1,800.00	\$ 36.00	\$ 1,836.00	\$ 91.80	\$ 1,927.80
Jeremy A. Whitford	141 Ankara Avenue	Brookville, Ohio	C05 00317 0047	\$ 1,100.00	\$ 22.00	\$ 1,122.00	\$ 56.10	\$ 1,178.10
TOTALS				\$ 8,300.00	\$ 166.00	\$ 8,466.00	\$ 423.30	\$ 8,889.30

RECORD OF ORDINANCES

2019-03

Passed _____, 20____

AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS, VINES, GRASS AND/OR OTHER VEGETATION DURING THE YEAR 2018 FOR CERTAIN PROPERTIES IN THE CITY OF BROOKVILLE, OHIO.

WHEREAS, pursuant to Section 503.03 of the Code of Ordinances of the City of Brookville, Ohio, the City may assess the cost of cutting and removal of weeds, vines, grass or other vegetation, plus a two percent (2%) administrative fee; and

WHEREAS, under Section 503.04 of the Code of Ordinances, the Director of Finance has given notice of such assessment to the owner of the lot or land from which the weeds, vines, grass and/or other vegetation was removed, either in person or sent by regular United States Mail, postage prepaid; and

WHEREAS, the assessments remain unpaid more than thirty (30) days after the notice of assessment was sent to the owner by the Director of Finance; and

WHEREAS, under Section 503.04, the Director of Finance, after approval by Council, may certify unpaid assessments to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: The Council hereby approves and authorizes the Director of Finance to certify to the County Auditor the unpaid assessments for the cutting and removal of such weeds, vines, grass and/or other vegetation during the year 2018 for said assessments being set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION II: The Director of Finance shall certify to the County Auditor the unpaid assessments within thirty (30) days after passage of this Ordinance.

SECTION III: This Ordinance shall take effect and be in force thirty (30) days after passage as provided by the Charter of the City of Brookville.

PASSED this _____ day of _____ 2019.

Meghan Wheeler, Clerk

David E. Seagraves, Mayor

RECORD OF ORDINANCES

2019-03
Ordinance No. _____
Passed _____, 20____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2019-03 passed by the Council of the City of Brookville, Ohio, on the _____ day of _____ 2019.

Meghan Wheeler, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2019-03 as posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the _____ day of _____ 2019 to the _____ day of _____ 2019, both days inclusive.

Meghan Wheeler, Clerk



Agenda Item

COUNCIL MEETING DATE: March 19, 2019

TYPE OF AGENDA ITEM: Action Item

TO: Meghan Wheeler, Clerk of Council

FROM:

DATE:

SUBJECT: Motion to approve application for Hazard Mitigation Grant

I. BACKGROUND: Deadline to file, March 22, 2019

II. DISCUSSION:

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None



Agenda Item

COUNCIL MEETING DATE: March 19, 2019

TYPE OF AGENDA ITEM: Action Item

TO: Meghan Wheeler, Clerk of Council

FROM:

DATE:

SUBJECT: Motion to replace roof on the Leiber Center

I. BACKGROUND:

II. DISCUSSION:

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None