

BROOKVILLE CITY COUNCIL
REGULAR MEETING
May 4, 2010

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on May 4, 2010 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Letner and Ullery; Manager Wright, Fire Chief Nickel, Law Director Stephan and Interim Asst. City Manager/Director of Finance/Clerk Keaton were present. Police Chief Preston was absent.

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

Motion by Cantrell, second by Ullery to accept the April 20, 2010 Regular Meeting Minutes as presented. All yeas, motion carried.

Lori Pheanis, representing Brookville Kiwanis, requested permission to hold the 5th Annual Blaze of Glory 5K Run on October 23, 2010 at 9:00 a.m., using the same course as last year. Ms. Pheanis stated the run is normally held in conjunction with the Fire Prevention Day festivities, but they were unable to sync with the Fire Department this year. Ms. Pheanis advised she has checked with Police Chief Preston and with Brookville Schools to make sure the date does not conflict with any other activities and both have advised her the new date is fine.

Motion by Apgar, second by Ullery to allow the Brookville Kiwanis to hold their annual Blaze of Glory 5K Run on October 23, 2010 as presented. All yeas, motion carried.

Carl Snedeker, of 827 Shaney Lane, advised he was speaking on behalf of the Arlington Woods Homeowners Association. Mr. Snedeker stated he is seeking Council's guidance on how to control the population of feral and domestic cats roaming in Arlington Woods.

Mayor Seagraves advised the cats could be trapped and the city will pick them up and transport them to the Montgomery County Animal Shelter. Residents can borrow live traps from the Police Department or they can use their own traps.

Mayor Seagraves welcomed back Member Duncan and Member Apgar, who have both been absent due to medical issues.

Manager Wright presented a request from the Arlington Woods Homeowners Association to hold their annual block party on August 14, 2010. The Association is requesting to block off Randy Sue Court from 5:30 p.m. until 10:00 p.m.

Motion by Garber, second by Letner to allow the Arlington Woods Homeowners Association to block off Randy Sue Court from 5:30 p.m. until 10:00 p.m. on August 14, 2010 to hold their annual block party. All yeas, motion carried.

Manager Wright reported the contractors are finishing up the installation of handicap ramps, curbs and other concrete work that needed to be done on Wolf Creek Street from Market Street to Arlington Road so that paving can begin. Manager Wright advised this project is funded with stimulus funds received from AARA funding.

Member Duncan inquired whether the handicap ramp installed near 337 N. Wolf Creek Street was for a crosswalk?

Manager Wright advised the site was mismarked by either ODOT or the contractor. The excavation work to install a handicap ramp was done in error. The curb has been reinstalled in that area.

Manager Wright reported he received a letter from the Federal Government that our application for stimulus funding to help construct a new firehouse has been denied. Manager Wright stated that while the denial is disappointing, it is not a surprise, as there was a lot of competition for the stimulus funds. Manager Wright advised we are still proceeding with the project and he and Finance Director Keaton are putting together a packet for Council to review. The packet should be ready by the next Council meeting.

Member Cantrell requested an Executive Session on a Personnel Matter.

Fire Chief Nickel reported he has hired a new Administrative Assistant Sue Landis. Ms Landis is local to the community and started her new position on April 21, 2010.

Manager Wright advised Council that Ms. Landis was hired as a replacement position and not as a new position.

Fire Chief Nickel presented the year to date Fire Alarm Incident Report which shows the Brookville Fire Department responded to 45 alarms from April 21 to May 4, 2010. The report also shows the average age of patients transported by ambulance is 59 years old, which is reflective of the demographics of our community.

Law Director Stephan had no report.

Finance Director/Clerk Keaton presented the April 30, 2010 Fund Balance for Council review and approval.

Motion by Letner, second by Garber to approve the April 30, 2010 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton reported the City's Basic Financial Statements have been submitted to the State Auditor and a copy is available in the city office for anyone to review.

Mayor Seagraves reported the service department is doing a great job and the city is looking good.

Mayor Seagraves advised he is still being questioned by citizens as to what we are going to do about the youth in the downtown area, and unfortunately he does not have an answer at this time. Mayor Seagraves stated the Police Department has been and are still trying to work with the youth, but he would like suggestions from both citizens and Council as to how to resolve the situation.

Member Garber inquired whether more youths have been arrested?

Member Duncan replied the Brookville Star reported more juveniles had been arrested, some for smoking.

Member Cantrell stated since the problem is primarily on Market Street near the bikeway that maybe the picnic table next to Pizza Express should be removed to prevent the youth from congregating in that area. Member Cantrell suggested a committee composed of parents, citizens and clergy should be formed to help with a solution to the problem.

Member Letner stated he thinks the parents need to be involved either directly or indirectly. He feels the youth are uptown because they want attention, not because of a lack of activities available in the community for them to get involved in.

Member Apgar commented he thought Council had passed an ordinance pertaining to a similar youth problem about 20 years ago.

Member Duncan stated that problems with youth were reported last year and parents who came to Council had promised that they would police the area but that has not occurred.

Mayor Seagraves stated the majority of youth in town are wonderful kids and he doesn't want the rest of the community to suffer because of problems caused by a small percentage.

Law Director Stephan advised he will research whether the city has ever passed an ordinance addressing this problem as Member Apgar had commented. Law Director Stephan stated there could be significant legal issues with the city enforcing a loitering ordinance. There have been a number of similar cases where enforcing a loitering ordinance has been declared unconstitutional because the youth are in a public space and they have a right to be in a public space. Law Director Stephan advised if the youth commit other misdemeanors while in a public space they can be ticketed and sent to juvenile court but just being in a public space in and of itself is not a violation of the law. Discussion followed.

Member Apgar inquired whether there was an age limit on Ward Park?

Law Director Stephan stated the original deed on the park property stated the land was to be used for a park for children under age 15. Law Director Stephan stated he is working on what we can legally post as rules and restrictions for the park as any rules posted have to be enforceable. Discussion followed.

There was no Old Business.

In New Business, Member Duncan suggested we work with the Montgomery County Solid Waste District to sponsor a day for household hazardous waste disposal in Brookville.

Member Letner replied that the City of Clayton sponsors a Hazardous Waste Disposal Day annually at Northmont High School and members of Brookville and any community are encouraged to participate.

Motion by Duncan, second by Cantrell to go into Executive Session on a Personnel Matter as requested by Member Cantrell. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor