

BROOKVILLE CITY COUNCIL
REGULAR MEETING
March 20, 2012

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on March 20, 2012 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Howard and Letner; Fire Chief Nickel, Assistant Fire Chief Fletcher, Police Chief Preston, Manager Wright, Law Director Stephan and Assistant Manager/Finance Director/Clerk Keaton were present.

Motion by Duncan, second by Apgar to accept the Agenda with an addition. All yeas, motion carried.

Motion by Cantrell, second by Howard to accept the March 6, 2012 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves welcomed everyone to the meeting and announced tonight is Fire Chief Nickel's last Council meeting before his retirement.

Gary Jenkins, of 238 Plymouth Circle, stated he has lived in Brookville for a long time and has raised two daughters here. Mr. Jenkins stated he has been retired for 15 years and his wife, who works for Prosecutor Matt Heck, brought our announcement of the Police Chief opening to his attention. Mr. Jenkins was surprised that Council was looking at outside candidates for the position. Sgt. Jerome once helped him with an issue he had with his daughter being bullied and said he feels Sgt. Jerome is an excellent candidate for Police Chief. Mr. Jenkins stated he has watched Sgt. Jerome grow in the community and he has continued to try and better himself with education and training. Mr. Jenkins stated he thinks Sgt. Jerome would be an asset and be a great face for the community. Mr. Jenkins stated he appreciates Council and the time they put in to serving the community. Mr. Jenkins said he hopes the job is going to be filled with someone capable and qualified and he is not worried about that. Mr. Jenkins said he feels Sgt. Jerome has the heartbeat of the community with the youth and could take us into the 21st century. Mr. Jenkins stated he was not asked to come to Council, he is just passionate about one particular person, and he is thinking of the youth in the community. Mr. Jenkins said he hopes that the opportunity is there and he thinks we could find a good candidate within our own.

Manager Wright reported he presented our request to the ECPC to be released from the one year notification clause to allow us to exit our contract with the Regional Dispatch Center (RDC). The ECPC voted 15 to 1 to not allow us to exit the contract. Manager Wright stated our one year notice has been submitted and is effective February 14, 2013.

Member Cantrell asked if we decide later not to exit the RDC, do we have to exit?

Manager Wright stated we can withdraw our notice if we choose to stay.

Manager Wright reminded everyone of our Annual Community Park Cleanup Day this Saturday from 10:00 a.m. until noon, with a rain date of March 31, 2012, and encouraged everyone to attend.

Mayor Seagraves commented he will be cooking hot dogs for volunteers afterwards and reminded everyone it is a good time to come out and socialize. Manager Wright and staff do a good job of providing the tools and instruments we need to get things cleaned up quickly. Mayor Seagraves said Golden Gate Park is a gem and Brookville thrives on many people using this park.

Manager Wright advised the 2011 Annual Report is complete and encouraged everyone to review it and direct any questions to himself, Assistant Manager/Finance Director Keaton, or the Police or Fire Chief. Manager Wright said the highlight of the report is for the first time in three years we have not had to dip into our cash reserves.

Manager Wright requested an Executive Session on a Personnel Matter and a Contract Negotiation Matter.

Manager Wright wished Fire Chief Nickel well and encouraged everyone to attend the Open House for him on Friday, March 30 from 1:00 until 5:00 p.m. at the Christena Leiber Center in Golden Gate Park.

Fire Chief Nickel thanked Council for allowing him to work here for all these years; it has been a job he has loved. He still loves it but it is a young man's job and he is not young. Fire Chief Nickel stated he will miss the job, the department and the people. He has worked several different places throughout his lifetime, both with the United States Navy and DP&L, and he would put Manager Wright at the top of all of the bosses he has ever had. Manager Wright does our City very well and Council should appreciate him for the great leader that he is. Fire Chief Nickel said Council Members are great leaders for the community as well and he takes a lot of pride in that. Fire Chief Nickel turned the report over to Assistant Fire Chief Fletcher.

Assistant Fire Chief Fletcher reported the restrooms at Station 1 have been completed and the utility room will be completed soon. Assistant Fire Chief Fletcher advised the Fire Department is going to administer a mass casualty exercise this Saturday at the school administration building on June Place for the Brookville and Lewisburg CERT teams. This is an annual CERT training to refresh their skills. Assistant Fire Chief Fletcher reminded everyone of the recent time change and encouraged checking the batteries in smoke detectors and investing in new ones if they are more than 5-7 years old. Assistant Fire Chief Fletcher reported he is getting a lot of questions about open burning and stated he follows the regulations set by the Regional Air Pollution Control Agency. Fires must be no bigger than 2'x3', with clean, dry firewood, and must be supervised at all time and be readily extinguishable.

Mayor Seagraves commented he recently had a complaint from a citizen about open burning, and reminded everyone that grass and leaves cannot be burned. Mayor Seagraves said we pick up leaves every fall as a service to our residents.

Mayor Seagraves addressed Fire Chief Nickel stating one of the best decisions he ever made was to hire him and he certainly has appreciated everything Fire Chief Nickel has done for the community. Mayor Seagraves stated he cannot even begin to thank him for his commitment and his desire to do the right thing. Mayor Seagraves said he truly appreciates and respects Fire Chief Nickel's fairness and while it may not always have been what he wanted to hear, the Chief has always been fair and followed the rules. Mayor Seagraves stated he is excited about the new Fire Chief, but Fire Chief Nickel will be greatly missed.

Fire Chief Nickel said it has been his honor.

Member Duncan echoed Mayor Seagraves thoughts and also thanked Fire Chief Nickel's wife Connie for everything she has done for the community.

Member Garber stated he worked with Fire Chief Nickel at DP&L before he came to work for Brookville and was sad to see him leave DP&L, both professionally and as a friend. Member Garber said he has appreciated the opportunity to work with him here in Brookville and will miss him professionally and personally as he leaves this job as well. Member Garber said there have been a lot of good years and wished Fire Chief Nickel well.

Member Letner commented as a token of Fire Chief Nickel's dedication, in 2004, a few days before Christmas with over 20 inches of snow on the ground, Fire Chief Nickel responded to Member Letner's house when he cut his finger off while using his snow blower. Fire Chief Nickel responded in his Fire Chief vehicle along with two snowmobiles, and they took care of him and got him to the hospital. Member Letner said he thinks about this incident daily and every time he sees Fire Chief Nickel he remembers him coming to his aid. Member Letner thanked Fire Chief Nickel and said this incident showed his true dedication.

Police Chief Preston presented the Call Analysis Report for the months of January and February, which show the Brookville Police Department responded to 628 calls for service in the month of January and 588 calls for service in February.

Police Chief Preston presented the Brookville Police Department Incident Log Report for March 6 through March 19, 2012, which shows there were 34 new cases for investigation with 31 closed and 3 pending further investigation. The Brookville Police Department closed 15 of those cases by arrest.

Police Chief Preston reported Sgt. Jerome and Police Officer Sewert recently held a presentation for the Rona Village Homeowner's Association for the Neighborhood Watch Program. The meeting went well and was attended by 15 residents.

Member Garber asked if the activity on the bike path has increased with the warmer weather?

Police Chief Preston said there has been increased activity on the bike path without any problems.

Law Director Stephan reported the Tax Incentive Review Council for the City of Brookville held an annual meeting on March 13, 2012 and reviewed the Enterprise Agreements with Green Tokai, Ltd. and I.M.I Norgren. The Tax Incentive Review Council found both businesses to be in compliance and voted to recommend to Council that the Enterprise Agreements be continued. Law Director Stephan stated by acting on proposed Resolution No. 12-04 and proposed Resolution No. 12-05, Council will be accepting those recommendations and continuing the Enterprise Agreements. Both of these agreements are for personal property tax and because that tax has been phased out in Ohio, there were no actual taxes abated under these Agreements in 2011. The proposed Resolutions are an emergency because we need to file a report with the Ohio Department of Development by March 31, 2012.

Motion by Duncan, second by Apgar to read proposed Resolution No. 12-04 and 12-05. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third reading and adopt Resolution No. 12-04 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FOR CONTINUATION OF THE ENTERPRISE ZONE AGREEMENT OF GREEN TOKAI CO. LTD., AND DECLARING IT AN EMERGENCY."; and Resolution No. 12-05 entitled "A RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FOR CONTINUATION OF THE ENTERPRISE ZONE AGREEMENT OF I.M.I. NORNGREN, INC., AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Law Director Stephan directed Council to proposed Ordinance No. 2012-03 and a map of Northbrook Industrial Park, Section 7. Law Director Stephan advised we need to make a few minor changes to this lot to assist B Concrete with their project. The utility easement will be expanded to allow Vectren to install gas lines to B Concrete and minor changes will be made to the dimensions of the east boundary of the lot so that approval can be obtained from Montgomery County Engineering for a re-plat. Law Director Stephan stated these are minor changes to the lot with really no change to the overall dimensions of it or to the industrial park itself. Law Director Stephan stated proposed Ordinance No. 2012-03 will vacate a portion of Nutrition Way. The two feet that we are adjusting this boundary line is a portion of the right of way for Nutrition Way, although there is no street pavement in that area, it is adjacent to a culvert that has been built for storm detention. Law Director Stephan requested Council approval of proposed Ordinance No. 2012-03 vacating a portion of Nutrition Way in the City of Brookville. Law Director Stephan also requested approval of Northbrook Industrial Park, Section 7, which is created by this proposed Ordinance. Law Director Stephan stated this was reviewed by Planning Commission at their last meeting and they approved the Final Plat for Northbrook Industrial Park, Section 7.

Motion by Cantrell, second by Duncan to read proposed Ordinance No. 2012-03. All yeas, motion carried.

Motion by Duncan, second by Cantrell to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2012-03 entitled "AN ORDINANCE VACATING A PORTION OF NUTRITION WAY IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Cantrell, second by Garber to approve the Northbrook Industrial Park Subdivision Plat, Section 7 as presented. All yeas, motion carried.

Law Director Stephan presented a copy of a memo with proposed regulations regarding Electronic Message Center (EMC) signs presented to Planning Commission. Law Director Stephan advised there was a lengthy discussion in regard to this memo and the proposed regulations and we are looking at coming back to Council at the first meeting in April with a proposed Ordinance and a first reading. Law Director Stephan asked if Council has any questions?

Member Duncan inquired if dimming the lights during the restricted times would apply to the very tall signs that McDonalds and Arbys have?

Member Cantrell stated this is only for EMC signs.

Law Director Stephan stated right now we are proposing the same standard for all signs and we are looking at addressing the free standing signs on site, not the highway service advertising signs. Law Director Stephan stated we are looking at brightness requirements for all signs, and if this proposed Ordinance is approved, off site advertising signs will not be permitted.

Member Howard asked how this would affect Trinity Lutheran Church who currently has a sign?

Law Director Stephan said Trinity Church has a sign, but right now they do not have a permit for the EMC part of their sign. If the EMC ordinance is approved as currently proposed, they will be able to commence electronic messaging, if it is not approved it will fall under the provisions of our current Ordinance for church signs, which does not permit electronic messaging.

Mayor Seagraves encouraged all business owners considering an EMC sign to bring the specs to our Zoning Officer and make sure you have the proper permits before installing the sign. Mayor Seagraves said business owners should come to the Public Hearing that will be held on this proposed Ordinance to voice any concerns they may have.

Member Garber asked Law Director Stephan if the Police Chief candidate's names will be made public or if this is not public information until someone is selected? Member Garber said the applicants may not want it public because of current employers.

Law Director Stephan stated in general, personnel information regarding Police and Firefighters must be redacted in the State of Ohio. Law Director Stephan stated if we get a public records request he will review it and make a determination at that time.

Mayor Seagraves said Law Director Stephan does a tremendous job and has put a great deal of time and hard work into the proposed Ordinance on EMC signs.

Assistant Manager/Finance Director Keaton requested Council authorization to transfer \$209,214.10 out of the General Fund to the Bond Retirement Fund to pay down our 2011 Note, originally the 2007 Note for the Payless Project; and also to transfer \$252,000 out of the General Fund to the Capital Improvement Fund to pay off the 2011 Note that was issued last September for the Nutrition Way Project. Assistant Manager/Finance Director Keaton advised both transfers were included in our 2012 Appropriations.

Motion by Cantrell, second by Apgar to authorize the transfer of \$209,214.10 from the General Fund to the Bond Retirement Fund as appropriated, and to authorize the transfer of \$252,000 from the General Fund to the Capital Improvement Fund as appropriated. All yeas, motion carried.

Assistant Manager/Finance Director Keaton advised we have begun to distribute Phase 4 of the Downtown Brookville Business Improvement Program application packets for businesses seeking financial assistance for exterior and/or interior improvements. The program is once again a reimbursement program that will reimburse up to 95% of the cost of building projects up to a maximum of \$15,000. The applications are due April 19, 2012.

Assistant Manager/Finance Director Keaton reminded everyone that the City of Vandalia will once again have representatives at our City Building to assist our residents with the preparation of their local income tax returns. The representatives will be here on Friday, March 23 from 8:00 a.m. to 4:30 p.m. and again on Saturday, March 24 from 8:00 a.m. to noon. Assistant Manager/Finance Director Keaton advised this service is free to our residents.

Assistant Manager/Finance Director Keaton reminded Council that their Financial Disclosure Statements are due to the Ohio Ethics Committee by Monday, April 16.

Assistant Manager/Finance Director Keaton reported the spring edition of the City Newsletter was delivered last week, and we have a couple of corrections to two separate articles that appeared in the Newsletter. The first is a correction to Chief Nickel's Retirement Open House, which is scheduled for Friday, March 30, 2012 from 1:00 p.m. until 5:00 p.m. Assistant Manager/Finance Director Keaton apologized to Chief Nickel as the Newsletter listed the date as March 31, and advised we have since distributed flyers of the Open House around various business locations in Brookville. An announcement of the Open House will also appear in the Brookville Star and the Dayton Daily News.

Assistant Manager/Finance Director Keaton reported the dates for the June Garage Sales were incorrectly listed as last years' dates. The street listings with the correct dates are on the City's website and we will have a correct listing in the Brookville Star. Colored maps with street listings and dates are available in the City Office.

Assistant Manager/Finance Director Keaton presented a copy of a resignation letter from Jeff Testerman, who sits on the Brookville Planning Commission, effective immediately.

Assistant Manager/Finance Director Keaton requested an Executive Session on a Personnel Matter for the consideration of Board Members.

Member Cantrell advised Council to review the proposed Ordinance on EMC signs before the next meeting as it is a complicated issue that required much discussion by Planning Commission. Member Cantrell stated we are not changing anything on our existing sign Ordinance; this is for the EMC sign only.

Mayor Seagraves agreed it is complicated and it must be addressed to avoid any confusion in the future.

Member Apgar said we have three types of signs so we should have three Ordinances. Member Apgar stated signs along the interstate will most likely be changing, and it would be a lot easier to change just one Ordinance. Member Apgar said the three Ordinances would be for residential, business, and highway service.

Ken Corder, of 630 Market Street said he has been a member of Trinity Lutheran Church for 60 years and their new sign was over \$13,000. Mr. Corder asked if this is considered an existing sign?

Mayor Seagraves said no, this sign is non-compliant and their approach to installing the sign was wrong. Mayor Seagraves stated we are going to try to do everything possible to make that happen because it is a beautiful sign. However, the individual who approached our Zoning Officer about this sign was told it would not be in compliance, and the sign was installed anyway. Mayor Seagraves said we cannot have everyone create their own rules.

Law Director Stephan advised he plans to present a draft of the Ordinance based on Planning Commission recommendations at the next Council Meeting. Law Director Stephan stated we are taking a two pronged approach with a more restricted use of the EMCs in residential

districts and a wider use with Video Display in business districts. Law Director Stephan advised whether it is one Ordinance or three Ordinances, essentially we are going to have an approach that will try to address concerns from both the business community and more restricted approach in residential districts.

Member Apgar said he thinks it would be more easily understood if it were three Ordinances. Law Director Stephan stated hopefully through drafting we can have a clear set of rules because one of the toughest things about signs both from a public view and our enforcement is that we do have a complicated set of rules and clarity will help.

Mayor Seagraves advised we are looking at setting the Public Hearing for May 1, 2012.

There was no Old Business.

There was no New Business.

Member Garber asked if the school has contacted anyone about the Prom Promise program?

Police Chief Preston stated the Police Department has offered their services to the school for Prom Promise, but we have not heard from them.

Motion by Duncan, second by Apgar to go into Executive Session on a Personnel Matter and a Contract Negotiation Matter as requested by Manager Wright and a Personnel Matter for the consideration of Board Members as requested by Assistant Manager/Finance Director Keaton. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Assistant Manager/Finance Director Keaton recommended Council appoint Gary Kirchhofer to fill the unexpired term of Dottie Watkins on the Board of Zoning Appeals and to appoint Ryan Henderson to fill the unexpired term of Jeff Testerman on Planning Commission.

Motion by Duncan, second by Apgar to appoint Gary Kirchhofer to fill the unexpired term of Dottie Watkins on the Board of Zoning Appeals with the term expiring on December 31, 2015 and Ryan Henderson to fill the unexpired term of Jeff Testerman on Planning Commission with the term expiring on December 31, 2012. All yeas, motion carried.

Manager Wright recommended Council extend our Fire Levy Contract with Perry Township for a 30 day period.

Motion by Cantrell, second by Apgar to extend the Fire Levy Contract with Perry Township for a 30 day period. All yeas, motion carried.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor