

BROOKVILLE CITY COUNCIL
REGULAR MEETING
April 3, 2012

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Cantrell at 7:30 p.m. on April 3, 2012 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Duncan, Howard and Letner; Fire Chief Fletcher, Police Chief Preston, Manager Wright, Law Director Stephan and Assistant Manager/Finance Director/Clerk Keaton were present. Mayor Seagraves and Member Garber were absent.

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

Motion by Apgar, second by Howard to accept the March 20, 2012 Regular Meeting Minutes as presented. All yeas, motion carried.

Vice Mayor Cantrell welcomed everyone to the meeting and announced the new Fire Chief will be sworn in tonight.

Vice Mayor Cantrell administered the Oath of Office to Ron Fletcher as the new Fire Chief for the City of Brookville.

Fire Chief Ron Fletcher introduced his family and friends present tonight to witness his swearing in.

Motion by Apgar, second by Duncan to read proposed Resolution No. 12-06. 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. 12-06 entitled: "A RESOLUTION NAMING RONALD FLETCHER FIRE CHIEF AND ESTABLISHING THE COMPENSATION FOR THIS POSITION, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Gail Colston, of 205 N. Wolf Creek Street, requested authorization to hold their Annual Breast Cancer Walk on Saturday, October 13, 2012 with the same route as last year.

Motion by Duncan, second by Howard to authorize the Annual Breast Cancer Walk on Saturday, October 13, 2012 beginning at the Brookville Community Theatre on Arlington Road to Westbrook Road to Wolf Creek Street, and back to the Community Theatre lot. All yeas, motion carried.

Member Letner commented Payless is active in breast cancer awareness and asked if Payless has ever been approached to sponsor the Breast Cancer Walk?

Ms. Colston said that is a good idea, she has not approached Payless but will check into it.

Manager Wright presented a request from the Brookville Baseball Club for the BBC Opening Day Parade on May 5 at 11:00 a.m. The parade will follow the usual route from Carr Drive to Albert Road to Salem Street to Market Street to Wolf Creek Street to Arlington Road to Golden Gate Park.

Motion by Howard, second by Duncan to allow Brookville Baseball Club to hold their annual BBC Opening Day Parade on May 5 at 11:00 a.m. as presented. All yeas, motion carried.

Manager Wright presented a news release from the District Advisory Council of Montgomery County naming Dr. John Rhodes, Jr., D.D.S. to serve on the Montgomery County Board of Health for a five-year term.

Manager Wright asked for Fire Chief Fletcher to report on the painting of the Montgomery County fire hydrants.

Fire Chief Fletcher advised the Fire Department has begun painting some Montgomery County hydrants within our fire district with paint provided free of charge by Montgomery County. Inspections of the hydrants involving a careful flush of the hydrants will begin soon which should not result in discolored water or pressure issues. Fire Chief Fletcher advised this project will likely continue through April and May.

Manager Wright stated Montgomery County is hosting the second in a series of Open Forums to discuss the future of Montgomery County's economy. The forum will be held at Sinclair Community College's Ponitz Center on April 11 from 5 p.m. until 7 p.m. Manager Wright reported he attended the first Open Forum and encouraged Council and citizens to participate.

Manager Wright reported we have taken delivery of a new medic and pickup truck for the Brookville Fire Department.

Fire Chief Fletcher said the new medic should be in service by mid-April and the old medic will be rotated out of fire service and used by C.E.R.T. Fire Chief Fletcher reported the larger chassis on the new medic will allow us to do more service on the vehicle in-house, rather than to a dealership.

Manager Wright presented a memo updating Council on the Police Chief hiring process and reported he should have more information by the next Council meeting.

Manager Wright presented a new reflective street sign made in our new sign shop.

Manager Wright requested Council authorization to renew the contract with the Board of County Commissioners for the boarding and disposal of cats at the Animal Resource Center. Manager Wright stated the fees have not changed much and the contract allows for a citizen co-pay and for Community Cat services.

Member Duncan asked how much the city spent last year on animal control?

Manager Wright advised he does not have the exact figures but he estimated we spent \$15,000 last year.

Assistant Manager/Finance Director Keaton said we took a big hit in 2010 but thought it went down last year.

Manager Wright said we get a lot of cat complaints and we have to have a means to address the complaints.

Member Duncan said he would hate to have to charge citizens for reporting a stray cat.

Motion by Duncan, second by Apgar to authorize Manager Wright to enter into a two-year Agreement with the Board of County Commissioners of Montgomery County for the boarding and disposal of cats delivered by the city to the Animal Resource Center. All yeas, motion carried.

Fire Chief Fletcher reported he has received complaints from citizens stating they cannot hear our Emergency Weather Warning Sirens during testing. Fire Chief Fletcher stated the sirens are not intended to warn people inside their homes. The sirens are intended to warn those outside, away from radios, televisions or other means of communication of impending severe weather. Fire Chief Fletcher said the sirens are tested on the first Monday of the month and he will work with the Brookville Star to educate citizens about severe weather procedures.

Fire Chief Fletcher reported there were no issues with the Fire Chief transition and things are going well. Fire Chief Fletcher advised there was a structure fire on Poplar Run Place on Friday, March 30, during the Retirement Open House for Fire Chief Nickel. Due to the large

number of firefighters in attendance at the Open House, over 30 firefighters were available to respond to this structure fire and were successful in stopping the wind-blown fire quickly and efficiently.

Vice Mayor Cantrell commented the Retirement Open House for Fire Chief Nickel was well attended and thanked Assistant Manager/Finance Director Keaton and Manager Wright for their help.

Fire Chief Fletcher stated the Fire Department is about 80 runs short of where we were last year, which he attributes to the mild winter weather.

Police Chief Preston announced McGruff the Crime Dog will be in attendance this Saturday at the Optimist Easter Egg Hunt. The Police Department will be hosting their annual Trike-a-thon program on April 12 and 13 to teach bike safety to preschoolers from Community United Methodist Church. Police Chief Preston reported the Police and Fire Departments will combine with the City to have a booth at the Chamber of Commerce Business Expo on April 14.

Law Director Stephan advised proposed Ordinance No. 2012-04, which establishes regulations on electronic message center (EMC) signs within the City of Brookville, is being presented tonight for a first reading. A Public Hearing will be held at the first Council meeting in May, after which it will return to Planning Commission for a final recommendation to Council. There will then be two additional readings before Council. Law Director Stephan stated the proposed Ordinance establishes two different kinds of electronic signs, a Changeable Copy Sign which deals with text; and a Video Display Sign, which deals with text, video display, graphic images and animation. The proposed Ordinance recommends in GB, HS, I-1, and I-2 Zoning Districts, the EMCs would be able to include both Changeable Copy Signs and Video Display Signs. The EMC component of the sign would not be more than 75% of the total allowed sign area. The sign would have to be on a property where the use is identified or advertised by the sign. The sign would have to be a portion of a free standing or permanent ground mounted sign. We are providing restrictions on brightness; 5000 nits during the day and 1000 nits in the evening. Law Director Stephan advised this is directly the same as the City of Englewood's Ordinance for brightness. Law Director Stephan stated in the Business District the individual text or graphic image would remain illuminated, visible and static for a period of ten seconds and animated video display would not exceed a period of ten seconds and would be followed by a text message or graphic image that would remain illuminated, visible and static for a period of ten seconds. The signs would not be permitted to be located within 100 feet of any residential structure. In residential districts, the signs would only be permitted for certain Special Uses, such as churches, schools, government facilities and parks, libraries, funeral homes and nursing homes. The signs in residential districts can only be a Changeable Copy Sign with text messages; no Video Display will be permitted in the residential districts. The EMC component of the sign will not be permitted to be more than 75 % of the allowed sign area. The EMC must be a portion of a free standing permanent ground mounted sign with the same brightness requirements as in business districts. An individual text message with an EMC in a residential business would last at least a period of ten seconds and an EMC in a residential zoning district would be turned off from 9:00 p.m. until 6:00 a.m. and the remainder of the sign could be illuminated during that time. Law Director Stephan asked if Council had any questions?

Motion by Apgar, second by Letner to read proposed Ordinance No. 2012-04. All yeas, motion carried.

Motion by Apgar, second by Letner to accept the first reading of proposed Ordinance No. 2012-04. All yeas, motion carried.

Member Cantrell suggested changing the time to turn off the EMC signs from 9:00 p.m. to 10:00 p.m. to allow for daylight savings times.

Law Director Stephan stated the consensus of Planning Commission was to try to shelter the residential district to some extent from the illumination of the sign at night. Discussion followed. The consensus is to change the time to 10:00 p.m. and get feedback from residents at the public hearing.

Member Letner inquired realizing freedom of speech may come into play, is there any concern about what can be posted on the EMC signs?

Law Director Stephan replied freedom of speech does come directly into play. Essentially most sign ordinances are content neutral due to the First Amendment right to free speech. Law Director Stephan said we are hoping that because the sign must be on the property, identified with the use, and tied to the use, the business owner or the owner of the residential Special Use will be responsible for what they put on the sign and while the Ordinance may not address it, the public usually will address inappropriate comments with a business or particular facility. Law Director Stephan stated one of the things we are not allowing is offsite advertising. The sign is on site and has to be tied to the business or Special Use and they are responsible for maintaining the sign and following the rules. Law Director Stephan concluded while what they put on the sign is a concern, it is tough to regulate content with a sign ordinance.

Member Duncan asked Law Director Stephan to define offsite.

Law Director Stephan said we are not addressing a business promoting a community event somewhere else. The proposed Ordinance is not allowing billboard type off-site advertising along the highway that is not tied to a particular business or a highway service use. Law Director Stephan said we are not prohibiting that business from using the sign to promote community events.

Assistant Manager/Finance Director Keaton presented the March 31, 2012 Fund Balance for Council review and approval.

Motion by Duncan, second by Apgar to approve the March 31, 2012 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton advised she recently submitted two Montgomery County Solid Waste Recycling Incentive Grants; one to purchase 84 tons of brown rubber mulch similar to what we installed last year in our park playground areas. Total cost of this project is \$43,940. The city is requesting \$26,364 in grants funds, with the city contributing \$17,576. Assistant Manager/Finance Director Keaton advised the second application is to purchase 500 of the 65 gallon recycling totes. Total cost of the project is \$24,675; the city is requesting \$14,805 in grant funds and contributing \$9,870.

Assistant Manager/Finance Director Keaton reported Community Park Clean-Up Day was a huge success with approximately 50 volunteers that assisted with the cleanup of over 3,000 pounds of debris.

Assistant Manager/Finance Director Keaton reminded everyone of our E-Waste Collection Day, where we partner with the Access Project to accept obsolete and unwanted computers and e-waste, which will be held on Saturday, April 21 from 9:00 a.m. to noon at Golden Gate Park, Shelter #3.

Assistant Manager/Finance Director Keaton reported the City of Vandalia Income Tax Department assisted 46 residents on March 23 and 24 with their local income tax returns. This was a decrease of 23 returns compared to last year. Assistant Manager/Finance Director Keaton reminded everyone local taxes are due on April 17, 2012.

Manager Wright commented the Community Park Clean-up Day saves the city a lot of man hours and thanked all of the volunteers and staff for their assistance.

Vice Mayor Cantrell reminded everyone of the Chamber of Commerce Business Expo on April 14 in the Community Center at Brookside Plaza. Vice Mayor Cantrell also reminded everyone of the Public Hearing on the proposed Ordinance No. 2012-04 regulating EMC signs on May 1, 2012 at 8:00 p.m. Vice Mayor Cantrell wished everyone a Happy Easter.

There was no Old Business.

There was no New Business.

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

Sonja M. Keaton, Clerk

Margo Cantrell, Vice Mayor