

BROOKVILLE CITY COUNCIL
REGULAR MEETING
May 1, 2012

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on May 1, 2012 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Howard and Letner; 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 Apgar, second by Cantrell to accept the April 17, 2012 Regular Meeting Minutes as presented. All yeas, motion carried.

Sabrina Westerman, of 34 Urban Lane, stated she has been a resident of Brookville since 1968 and an employee at Westbrook Elementary for 15 years. Mrs. Westerman stated she is here for two reasons this evening; the first is to thank Council for their service to the community, to thank Police Chief Preston for his service and to congratulate him on his retirement and to thank Manager Wright and the Service Department for the excellent job they do at maintaining the community. Mrs. Westerman stated the second reason she is here is to recommend Sergeant Doug Jerome for the position of Police Chief. Mrs. Westerman stated she has known Sgt. Jerome since he was a young lad as she used to be his Sunday School teacher. Mrs. Westerman stated she is also speaking on behalf of her husband, a retired Police Officer and Criminal Justice Instructor. Mrs. Westerman stated she feels the most important thing is that we have a Police Chief who is well educated in the area of criminal justice, is up to date educationally, and is well motivated by learning. Mrs. Westerman stated she thinks we need someone who loves the community, someone who has the personality for the job, who can work with people locally, as well as with the citizens of Brookville. Mrs. Westerman stated she has worked with Sergeant Jerome at the school for many years as a School Resource Officer and highly recommends him. She feels Sergeant Jerome is educationally based and sees him as a life-long learner in the area of policing and criminal justice. Mrs. Westerman stated she knows there may be outside firms that come in and try to tell Council how to choose a good Police Chief, but she wants Council to know that she believes Sergeant Jerome is one of the finest and would do our community well. Mrs. Westerman also thanked Police Chief Preston for having the Police Officers check the school on a daily basis.

Judy Holbrook, of Brookville Party Supply at 408 Main Street, stated she is here to recommend Detective Don Duncan for the Police Chief position. Ms. Holbrook stated Detective Duncan has been with the City for a long time, works hard and she thinks he would be a good Police Chief. Mrs. Holbrook stated she does not see the police in town the way she used to see them and thinks Detective Duncan would do a great job.

Manager Wright reported the City was awarded two Montgomery County Solid Waste Grants. The first grant in the amount of \$24,675 is to purchase 500 65-gallon recycling totes, with the City contributing \$9,870 toward the project. The second grant in the amount of \$43,940 is to purchase 84 tons of recycled rubber mulch for the Castle Playground in Golden Gate Park, with the City contributing \$17,576 toward the project. Manager Wright stated the City is very fortunate to receive the grant monies, which will be distributed in late summer.

Member Letner asked if the larger recycling totes will be picked up on a weekly or bi-weekly basis?

Manager Wright said it will be picked up weekly on a trial basis.

Manager Wright reported the Service Department spent a significant amount of time getting Golden Gate Park ready for Brookville Baseball Club Opening Day this Saturday.

Mayor Seagraves advised it is time for Council to set the date for Beggars' Night. The recommended date and time by the Mayors and Managers Association is Tuesday, October 30, 2012 from 6:00 to 8:00 p.m. Discussion followed.

Motion by Letner, second by Garber to set Beggars' Night for the City of Brookville for Tuesday, October 30, 2012 from 6:00 to 7:30 p.m. All yeas, motion carried.

Fire Chief Fletcher presented an Operations Report showing 13 Fire Incidents and 89 EMS incidents for a total of 102 incidents for the month of April, 2012 compared to 148 incidents handled in April of 2011. Fire Chief Fletcher reported the average incidents per month through the first quarter of 2012 stands at 106 incidents, compared to a monthly average of 139 incidents per month in the first quarter of 2011. Fire Chief Fletcher reported the Brookville Fire Department has responded to 69 Fire and 355 EMS incidents year to date. This is a total of 424 incidents for the year compared to 556 incidents thru April of 2011, or a 12% decline in the number of incidents.

Fire Chief Fletcher reported the spring fire hydrant inspection process is almost half done and should be completed by the end of May. Fire Chief Fletcher advised May 6 – May 12 is Arson Awareness Week across the country, which focuses on educating the public and getting juvenile fire setters the help that they need. Fire Chief Fletcher advised May 20 – May 26 is EMS week across the country as well.

Fire Chief Fletcher presented a copy of the revised Brookville Fire Department patch which was designed by our firefighters.

Member Duncan asked who would be repairing the county fire hydrants on Westbrook Road?

Fire Chief Fletcher advised the Brookville Fire Department is checking these hydrants and reporting to the county if repairs are needed. The response time to these repairs is sometimes not rapid, but Service Department Superintendent Ron Brandt has a good relationship with the County and is usually able to speed repairs along.

Member Garber inquired whether the new medic was back in service.

Fire Chief Fletcher stated the medic has been repaired and is back in service with no other items of concern.

Member Garber commented there did not seem to be a good turnout at the Annual Chicken Noodle Dinner put on by the Fire Association.

Fire Chief Fletcher agreed there was not a very good turnout mostly due to lack of promoting the event. Fire Department Member Bob Batz, who normally promotes this in his column and other media, was hospitalized due to an injury and is still recovering. The Fire Department was able to donate the excess food to a shelter to feed the homeless.

Police Chief Preston presented the Call Analysis Report for the month of March, which shows the Brookville Police Department responded to 589 calls for service. The Brookville Police Department has handled a total of 1,805 calls year to date, which is an increase of 142 calls or 8% compared to this same time last year.

Police Chief Preston presented the Brookville Police Department Incident Log and Arrest Log from April 17 through April 30, 2012, which shows 24 new cases for investigation with 20 closed and 4 pending further investigation. The Brookville Police Department closed 10 of these cases by arrest.

Police Chief Preston reported the Police Department will be busy in the month of May, with the BBC Opening Day Parade on May 5 and the Movies in the Park preview for employees and their families on May 12. The Police Department will be providing popcorn, hot dogs and soft drinks. The Annual Bike Rodeo will be held on May 19 and the Huffman Bike Ride will be held on May 20, with one of our bike patrol officers participating in the ride and additional Police Officers helping with traffic on Arlington Road. Police Chief Preston reported there will also be Range Training on May 20, which will be attended by half of the Police Department.

Member Duncan asked if the Run for the Wall event is coming up?

Mayor Seagraves advised the Run for the Wall event is scheduled for May 23, 2012 at 4:30 p.m.

Law Director Stephan had no report.

Assistant Manager/Finance Director Keaton reported the E-Waste Collection Day held on April 21 was a success with 3,219 pounds collected versus 5,610 pounds last year. Assistant Manager/Finance Director Keaton thanked her husband and Service Superintendent Ron Brandt and his son for helping her unload items from the vehicles and trailers.

Assistant Manager/Finance Director Keaton reported the City Office received 17 applications for the CDBG Revitalization Project, with projects totaling over \$170,000. There is \$110,186 in grant funds available and the committee will be meeting soon to rank and prioritize the projects.

Mayor Seagraves recessed the Regular Meeting of Council at 8:00 p.m. for a Public Hearing, which is a combined meeting with Council and Planning Commission on proposed Ordinance No. 2012-04, which establishes regulations for Electronic Message Centers.

The Public Hearing was recorded and is on file with the Clerk at the Municipal Offices.

Clerk Keaton announced a Legal Notice was published in the April 18 edition of the Brookville Star and it was also posted on the City's website since April 4 advising of the Public Hearing. The City Office did not receive any phone calls, nor did anyone stop in the City Office to review the proposed Ordinance.

Law Director Stephan stated the proposed Ordinance is designed to regulate Electronic Message Centers, also known as EMC signs. The proposed Ordinance establishes two categories of EMC signs; Changeable Copy Signs, which provide text information only and Video Display Signs, which provide both text and video display. In the business districts, the EMC signs will be permitted to have both Changeable Copy and Video Display. The EMC component of the sign would not compose more than 75 % of the sign's total allowed sign face area. The sign containing EMC must be located on the property where the use identified or advertised by the sign is located. The EMC must be a portion of a free standing, permanent ground mounted sign. The proposed Ordinance regulates the brightness of the sign to 5,000 nits from 8:00 a.m. until 6:00 p.m. and 1,000 nits from 6:00 p.m. until 8:00 a.m. Law Director Stephan advised the proposed Ordinance states Video Display can run for a period of 10 seconds followed by a static text or graphic display for 10 seconds in the business districts. Signs would not be located within 100 feet of any residential structure. In the Residential Districts, the EMC could be a portion of the sign for the following Special Uses: churches, schools, government facilities, parks, libraries, funeral homes and nursing homes. Law Director Stephan advised only changeable copy signs will be permitted in the Residential District with text only. The Video Display signs will not be permitted in Residential Districts. Signs containing EMC's should not be located within 100 feet of any residential structure and the EMC component of the sign would not comprise more than 75% of the sign's total allowed sign face area. As in the Business District, the EMC would be a portion of a free-standing permanent ground mounted sign with the same brightness restrictions as the Business Districts. The EMC portion of the sign will be turned off from 9:00 p.m. until 6:00 a.m. in Residential Districts. Law Director Stephan advised the proposed Ordinance has been reviewed by Planning Commission and their recommendations have been included in the Ordinance. Law Director Stephan stated he would take any questions or public comments at this time.

Member Duncan asked whether the EMC sign at McMaken's Car Wash would still be able to display announcements about upcoming public events?

Law Director Stephan stated the proposed Ordinance is not permitting off-site billboard type advertising, but it is not prohibiting them from promoting community wide events or advertising for the business where the EMC sign is located.

Member Duncan inquired if a subject owns two different businesses and has an EMC sign at one of their businesses, can they advertise for the other business they own on the EMC sign?

Law Director Stephan replied we are not going to micro-manage the content of the EMC signs, we are trying to prohibit signs in locations where there is no principal business use.

Member Garber asked if height restrictions are regulated by our existing sign Ordinance?

Law Director Stephan said the signs containing EMC's will be regulated by our existing height and size restrictions. We can make changes to the proposed Ordinance to address this more clearly.

Member Garber commented it is good to allow the business owner with an EMC sign to self-regulate their sign content by what the public response would be to something inappropriate.

Law Director Stephan agreed and said typically most Sign Ordinances are content neutral but there are outer boundaries such as obscenity laws. Other than that we are not trying to regulate content because that is very difficult to do.

Mayor Seagraves stated composing this proposed Ordinance was not an easy task and thanked Law Director Stephan and Planning Commission for their time and effort to the detail and thought process that went into it.

Member Cantrell said it was her understanding from the Planning Commission Meeting that the proposed Ordinance required EMC signs in Residential Districts to be turned off from 10 p.m. until 6:00 a.m.

Law Director Stephan said the initial recommendation from Planning Commission was to require EMC's to be turned off from 9:00 p.m. to 6:00 a.m.

Member Cantrell stated EMC signs should be allowed to stay on until 10:00 p.m. so that they are still on as people exit an establishment after an evening event and also during daylight savings time.

Member Garber asked the Planning Commission if they had any comments on this?

Member Swabb stated Planning Commission discussed the issue of what time the EMC signs should be turned off and it did not seem to be much of an issue.

Member Letner asked if the proposed Ordinance applies to a mobile or portable sign?

Member Cantrell stated Planning Commission did discuss portable signs and the consensus was not to allow them.

Law Director Stephan stated mobile or portable signs are not addressed in the proposed Ordinance. The proposed Ordinance applies to ground mounted, free standing permanent signs.

Mayor Seagraves asked if Council is in agreement that the time that an EMC sign can be displayed should be extended to 10:00 p.m.?

The consensus of Council is to allow the EMC signs to stay lit until 10:00 p.m.

There was no one else present to speak at the Public Hearing.

Motion by Duncan, second by Apgar to close the Public Hearing. All yeas, motion carried.

Assistant Manager/Finance Director Keaton presented the April 30, 2012 Fund Balance for Council review and approval.

Motion by Duncan, second by Apgar to approve the April 30, 2012 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton advised proposed Ordinance No. 2012-05 increases the water rate 3.5%. Water rates have two components, the basic service charge, otherwise known as the water meter charge, which increases 2.8%, and the volume charge, otherwise known as the consumption charge, which increases 3.7%, for a net increase of 3.5%.

Assistant Manager/Finance Director Keaton advised proposed Ordinance No. 2012-06 increases the sewer rate by 6.3%. It also updates Section 935.13 (f) which addresses our National Pollutant Discharge Elimination System permit.

Assistant Manager/Finance Director Keaton advised proposed Ordinance No. 2012-07 increases our refuse rates \$1.50 per quarter for residential customers and \$2.00 to \$2.25 per quarter for commercial customers. It also amends Section 957.06(d) to increase our charge for tire pickup by \$0.50 per car tire when the City picks up tires. Assistant Manager/Finance Director Keaton said the last increase to our tire pickup charge was in 2002.

Motion by Garber, second by Apgar to read proposed Ordinance Nos. 2012-05, 2012-06 and 2012-07. All yeas, motion carried.

Motion by Garber, second by Howard to accept the first reading of proposed Ordinance Nos. 2012-05, 2012-06 and 2012-07. All yeas, motion carried.

Mayor Seagraves reminded everyone that the National Day of Prayer is May 3, 2012.

There was no Old Business.

Vice Mayor Cantrell praised Member Howard for the great job she has done as Director of the current production at the Brookville Community Theatre. Vice Mayor Cantrell stated she attended the production last weekend and it was great fun.

Mayor Seagraves stated he too attended the production and congratulated Member Howard and the cast on a great performance.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor