

BROOKVILLE CITY COUNCIL
REGULAR MEETING
November 3, 2015

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on November 3, 2015 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Kirklin and Letner; Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan, Manager Burkholder, Assistant Manager/Finance Director/Clerk Keaton and Administrative Assistant Meghan Wheeler were present.

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

Motion by Kirklin, second by Cantrell to accept the October 20, 2015 Regular Meeting Minutes as presented. All yeas, motion carried.

Allen Thrush, of 30 Gaines Street, stated he attended the June 2, 2015 Council Meeting and made comments regarding our vision for the City. Mr. Thrush stated at no time during that meeting was he disrespectful but upon reading the minutes of that meeting, he found comments were made about him after he left the meeting. Mr. Thrush stated he wants to show everyone how vulnerable they are, starting with Jerry Letner, a citizen who is present tonight in the audience. Mr. Thrush distributed a list of web site domains he has purchased and stated he owns Mr. Letner and everyone on Council cyberly. Mr. Thrush stated he is creating a website to watch everyone on Council so that citizens can come and speak freely and not worry about being persecuted when they leave. Mr. Thrush stated anyone off the street can do this, and build search engines that will direct people to their website where they can say whatever they want as long as it is the truth. This does not cost a dime to do. Mr. Thrush commented this is the world that we live in, it is not considered cyber-bullying. Mr. Thrush stated he has five attorneys on his payroll and this is not stuff we play around with. We need to get our visions and get them straight and understand the world we live in today, not tomorrow, not next year, today. Mr. Thrush stated he understands things do not happen immediately as he has been in business for twenty-five years. Mr. Thrush stated he is president and CEO of three businesses and most of Council probably does not realize that he owns a software company because he does not like to brag about his industries or what he does. Mr. Thrush commented he likes this town and likes to live here and he does not want to be looked at differently.

Member Garber asked Mr. Thrush what he is trying to say?

Mr. Thrush replied if our citizens cannot come to Council and talk to them without worrying about what they say and being made fun of when they walk out the door, then shame on all of Council.

Member Garber asked what that has to do with all the domains that Mr. Thrush purchased?

Mr. Thrush stated this shows that he is going to watch Council from now on.

Member Garber told Mr. Thrush he can own all of it, which is fine with him.

Mr. Thrush said it is not fine; this is what he is trying to get to. Mr. Thrush stated it does not matter; it is the perception of it.

Member Garber stated Mr. Thrush is welcome to look at his email address, the NSA does every day.

Member Thrush asked Police Chief Jerome if he understands what he is talking about?

Member Garber replied he does not understand what Mr. Thrush is talking about.

Mr. Thrush replied he owns all of Council cyberly.

Member Garber replied Mr. Thrush only owns the web address, which does not mean anything to him. Member Garber stated there are other people present who came to listen to the Council Meeting and asked Mr. Thrush to make his point.

Mr. Thrush stated his point is Council needs to be aware of this.

Motion by Cantrell, second by Duncan to recess the meeting in order to address the June 2, 2015 Council Minutes. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Mayor Seagraves commented that he is trying to figure out what direction Mr. Thrush is headed.

Mr. Thrush replied there are two points he would like to make. One is that Council cannot talk about citizens when they leave, regardless of who they are, in a negative tone or a bad way and put people down. The second point is how vulnerable and exposed we all are. Mr. Thrush stated some of Council may not care, but that is the direction the world is headed. Mr. Thrush indicated the names and everything that he owns are surrenderable. Every Council Member should own them and make websites and direct people where they want them. Mr. Thrush stated keywords can be built in online to direct people wherever we want. Mr. Thrush commented this is the danger and the reality of the world that we live in. Cyber bullying is terrible and is everywhere.

Member Seagraves commented he is looking at the June 2, 2015 Council Minutes trying to get a grasp on what Mr. Thrush is referring to.

Mr. Thrush stated when he left the meeting that night he thought everyone was of the same understanding as he was very sincere about everything that he brought to the table. Mr. Thrush commented he probably works in more communities than any of the Council Members, excluding Member Garber; so he is out there and hears what other people say about our community. Mr. Thrush stated a lot of it is good and a lot of it is not. If someone comes in and wants to share what they think will help better us as a City, they should not have to worry about what is going to go on behind their back after they leave.

Member Kirklin commented Council cannot control what other people say.

Member Duncan stated Council Meetings are recorded public meetings.

Member Cantrell asked Law Director Stephan if he would address this issue?

Mr. Thrush commented it is not necessary for Law Director Stephan to address it.

Law Director Stephan summarized that Mr. Thrush came to the June 2, 2015 Council Meeting and raised concerns about our City Manager search and about the vision of our community and where we are headed. Those comments were recorded in the minutes. Law Director Stephan stated Mr. Thrush then left the meeting and there were a number of various other discussion points that were raised by Council Members and citizens. Some of these points were about Mr. Thrush's comments. Law Director Stephan stated certainly everyone has the right of free speech to express their opinions about statements made and the vision of the community and about where we are at and where we are going. Law Director Stephan stated Mr. Thrush had every right to stay and listen to that. Law Director Stephan stated no one should be attacking Mr. Thrush personally or slandering him, but in the course of public debate occasionally you can have opinions that are going to differ. Law Director Stephan stated we need to move on with the meeting.

Member Cantrell indicated she would like Mr. Thrush to surrender her name.

Mr. Thrush stated his doors are always open and everyone can come in and talk to him whenever they want.

Manager Burkholder advised Council has a copy of his report which shows there are a variety of things going on. Staff is meeting with ODOT tomorrow regarding the Arlington Road bridge replacement.

Manager Burkholder requested an Executive Session on a Personnel Matter.

Manager Burkholder reported he attended the Ohio Economic Development Conference in Columbus where he picked up a lot of good information. Manager Burkholder reported the Council visioning session went well and when those minutes are completed he will present a recap relative to the future and the strategic plans for the City.

Member Cantrell asked if we have a date for OpenGov to go online?

Assistant Manager/Finance Director Keaton stated she is working with the State Treasurer's Office and our software company to have it online soon.

Member Garber inquired about the budget workshop for Council?

Manager Burkholder advised the meeting will consist of giving Council an overview of the draft budget.

Discussion on when to hold the meeting followed and the consensus was to wait to until the next Council Meeting to set a date so that Council has a chance to review the information packet, which will be electronically distributed by Staff.

Assistant Manager/Finance Director Keaton presented the October 31, 2015 Fund Balance for Council review and approval.

Motion by Garber, second by Kirklin to approve the October 31, 2015 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton stated earlier this year, she applied for and received a \$5,000 Ambassador Grant through Dayton Power & Light Company to upgrade the electric service in the center of Golden Gate Park. Assistant Manager/Finance Director Keaton advised the money has been received and the electrical upgrade for Golden Gate Park will be included in our 2016 budget.

Assistant Manager/Finance Director Keaton requested Council adopt proposed Resolution No. 15-16, which amends our 2015 Estimated Resources.

Motion by Cantrell, second by Apgar to read proposed Resolution No. 15-16. 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. 15-16 entitled "A RESOLUTION AMENDING THE 2015 AMENDMENT TO THE CERTIFICATE OF ESTIMATED RESOURCES, AS SET FORTH BELOW, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council adopt proposed Ordinance No. 2015-05, which approves and adopts the 2015 Replacement Pages to our Codified Ordinances. The reason for this Ordinance to be adopted as an emergency measure is for the protection and preservation of peace, health, safety and general welfare of the inhabitants of the Municipality, the emergency being the immediate necessity to approve and distribute current Replacement Pages to the Codified Ordinances so as to facilitate administration, daily operation and avoid practical and legal entanglements.

Motion by Cantrell, second by Duncan to read proposed Ordinance No. 2015-05. All yeas, motion carried.

Motion by Duncan, second by Kirklin to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2015-05 entitled "AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant Manager/Finance Director Keaton stated she received notification that our application for an Ohio Department of Natural Resources NatureWorks Grant to upgrade our

existing basketball courts and add an additional basketball court in Golden Gate Park was not awarded.

Assistant Manager/Finance Director Keaton provided a copy of a letter from DP&L which states that they will ask the Public Utilities Commission of Ohio to approve an increase in its base distribution rates beginning January 1, 2017.

Assistant Manager/Finance Director Keaton reminded everyone that the Brookville Optimist Pumpkin Walk is this Saturday from 6:00 p.m. until 8:30 p.m. in the back parking lot of Golden Gate Park.

Assistant Manager/Finance Director Keaton requested an Executive Session on a Personnel Matter to discuss reappointment of various Board Members whose terms expire December 31, 2015, on an Economic Development Matter, and on a Contract Negotiation Matter.

Fire Chief Fletcher reported the Fire Department responded to 135 EMS and 31 Fire Incidents during the month of October, which is up 22 Incidents over October of 2014. The Fire Department has responded to 1,252 EMS and 281 Fire Incidents to date, for a total of 1,533 Incidents year-to-date, which is 135 more Incidents than this same time last year. Fire Chief Fletcher reported they had a very successful Fire Prevention Month.

Fire Chief Fletcher reported the new Good Samaritan North Emergency Facility is open and he expects our ambulances crews to transport most of our patients to this facility, with the exception of cerebral vascular patients or those with known cardiac alerts. Fire Chief Fletcher encouraged residents to use the Samaritan North Facility, which will be a safer location for family to visit and will get our ambulances back to town faster.

Fire Chief Fletcher presented the SR49 Corridor Study for Council review, and stated he is encouraged that they are looking at a major potential reconstruction to the intersection to make it safer.

Police Chief Jerome reported the Brookville Police Department handled 521 Reportable Incidents year-to-date, compared to 577 at this same time last year. Citations are down 39 from this same time last year for a total of 420 Citations year-to-date. Police Chief Jerome reported the Brookville Police Department made 99 Traffic Stops during the month of October, compared to 131 Traffic Stops during the same time period last year.

Police Chief Jerome reported the Police Department is busy preparing for the Brookville High School Football playoff game on Friday, which is expected to have a large turnout.

Police Chief Jerome reported the Brookville Police Department is once again sponsoring the Veterans Day Lunch at Rob's Restaurant and the Feed Brookville Event on November 14, 2015 at the Brookville Board of Education building.

Member Garber stated at past football games there were cars parked on March Avenue that possibly blocked the accessibility for emergency vehicles and he wanted the Police and Fire Chiefs to be aware of it.

Fire Chief Fletcher observed our emergency equipment responds from Orchard Street so March Avenue will not be an issue.

Police Chief Jerome stated there will be a lot of people in a very short period of time but the Police Department is prepared for it.

Member Duncan observed the Ghostly Night Out Event was well attended and thanked the school for the use of their facility.

Police Chief Jerome also thanked the Brookville School District and everyone who helped to notify the public of the venue change.

Member Kirklin commended everyone for coordinating the last minute change of venue notification, stating that is not an easy thing to pull off.

Mayor Seagraves stated hats off to the school and Superintendent Hopkins, the church who provided the bounce houses and thanked the entire community for helping to make it an outstanding event.

Police Chief Jerome commented that building those relationships with the kids and the general public is invaluable.

Member Garber inquired how Beggar's Night went in the City of Brookville?

Police Chief Jerome reported the Police Department gave safety talks at the schools and handed out over 750 candy bags and everything went well with no issues.

Law Director Stephan had no report.

Member Garber commented he has seen a lot of publicity regarding tiny houses and asked how that would fit into our zoning?

Law Director Stephan replied right now we do not have a code that would work for that type of housing development. We do have some areas of the community that we could evaluate for that type of housing but that would be something we would have to look at.

Member Garber stated he is not advocating it, he was just curious.

Member Apgar commented that most tiny houses are on wheels and those fall in the mobile home category.

Mayor Seagraves thanked the Brookville Police Department for the successful Ghostly Night Out Event. Mayor Seagraves reminded everyone of the Brookville Chamber of Commerce Dinner on Friday night and the Pumpkin Walk on Saturday.

Motion by Cantrell, second by Apgar to read proposed Resolution No. 15-15. All yeas, motion carried.

Motion by Apgar, second by Cantrell to accept the second reading of proposed Resolution No. 15-15. All yeas, motion carried.

Member Garber stated he received his payroll check and observed he would like to see the City go with direct deposit for all employee checks.

Assistant Manager/Finance Director Keaton replied we are working to implement that next year.

Motion by Duncan, second by Apgar to go into Executive Session on a Personnel Matter as requested by Manager Burkholder and a Personnel Matter to discuss reappointment of various Board Members whose terms expire December 31, 2015; on an Economic Development Matter and on a Contract Negotiation Matter as requested by Assistant Manager/Finance Director Keaton.

Mayor Seagraves called Council back into Regular Session.

Motion by Cantrell, second by Kirklin to accept the tentative agreement negotiated between the City and the Ohio Patrolman's Benevolent Association (OPBA), and authorize Manager Burkholder to sign the Agreement between the City of Brookville and the OPBA for SERB Case No. 2015-MED-09-0997 effective January 1, 2016. All yeas, motion carried.

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

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor