

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
February 16, 2010

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on February 16, 2010 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber and Letner; Manager Wright, Fire Chief Nickel, Police Chief Preston, Law Director Stephan and Deputy Clerk Duncan were present. Member Ullery and Interim Assistant Manager/Director of Finance/Clerk Keaton were absent.

Mayor Seagraves welcomed Council Member Duncan back to Council after an extended absence due to illness.

Member Duncan thanked Council and the community for their concern, cards and flowers during his illness. He also thanked Council for excusing his absence and said he looks forward to continuing to serve on Council.

Law Director Stephan administered the Oath of Office to Council Member Duncan as he was not available to take the oath in January along with the other newly elected members.

Motion by Letner, second by Cantrell, to accept the Agenda with the addition of proposed Ordinance No. 10-02. All yeas, motion carried.

Motion by Cantrell, second by Garber to accept the February 2, 2010 Regular Meeting Minutes as presented. All yeas, motion carried.

Gary Horstman, of the Brookville Historical Society, advised the Historical Society will be applying for grant money to improve the handicap accessibility at their property at 21 Market Street by removing and replacing the porch and ramp and extending the ramp alongside the curb. Extending the ramp along the curb, which is most feasible, would encroach upon city property. Mr. Horstman requested Council's approval to do this.

Member Seagraves inquired whether \$6,000 would cover the cost of the project.

Mr. Horstman replied that he has spoken with several contractors and \$6,000 is the approximate figure they gave him. He doesn't anticipate spending much more than this.

Manager Wright advised it is a good project. It ties the two properties together with handicap access. The only thing Mr. Horstman is asking from Council is permission to do the portion of the work that is on city property.

Member Garber asked which way the ramp would drain in the rain as he didn't want to see a puddle at the end of the ramp.

Manager Wright replied drainage would not be a problem.

Motion by Duncan, second by Letner to allow the Brookville Historical Society to extend the handicap ramp at 21 Market Street, with the stipulation that Manager Wright approves the final plans. All yeas, motion carried.

Local citizen Cecil Rankin, also known as "Fuzzy", advised he has been bombarded by Kirby salesmen at his residence here in Brookville. He stated he has lived in Brookville for four years and never had this problem at other communities he has lived in. He wanted to know how the solicitation problem could be resolved.

Mayor Seagraves stated that Brookville does have a solicitation ordinance which requires solicitors to register with the Brookville Police Department and allows them to solicit until 7:00 p.m.

Police Chief Preston advised the simplest solution is to post “No Soliciting” signs on your property in a conspicuous place, which would then allow the Police Department to charge solicitors criminally if they did enter your property.

Law Director Stephan advised the community would face significant legal challenges if solicitors were totally banned from the community.

Mr. Rankin thanked Council and stated he did not want to avoid answering his door, so he would probably post his property as suggested.

Manager Wright stated we would also put an article in the newsletter on solicitation.

Manager Wright reported the Service Department has been busy the last week with snow storm clean-up and removal. Manager Wright stated roughly \$8,000 has been spent this year on overtime and fuel costs for snow removal. The Service Department has worked diligently to keep the streets as safe as possible.

Member Duncan asked if there was any chance of recouping any of these costs from federal or state funds?

Manager Wright replied we have been reimbursed a portion of clean-up costs in the past for big storms but he has not seen anything regarding any funds this year.

Mayor Seagraves, on behalf of himself and fellow citizens, commended the Service Department for the great job they have done keeping the streets clean and safe. He stated he has heard nothing but praise for the city workers.

Manager Wright stated he did want to make public a complaint on homeowners blowing snow back out into the streets when clearing their drives. This makes the roads slippery and dangerous again.

Member Letner inquired whether Brookville needs a snow ordinance?

Discussion followed. Manager Wright advised the feasibility of a snow ordinance would be discussed in the next staff meeting and the results brought back to Council at a later meeting.

Member Garber asked if there was a limit on how many hours our drivers could work during a storm?

Manager Wright advised he uses a common sense approach. Working drivers too many hours reduces productivity. Our workers can complete one round of plowing the city in about 2.5 to 3 hours. This gives them time to rest before it needs to be done again.

Fire Chief Nickel reported there was a significant fire in Perry Township last week. The State Fire Marshall investigators are working with our Fire Department on the investigation of this fire.

Police Chief Preston reported the Brookville Police Department had 10 arrests between February 2 and February 12, 2010. The Incident Log from February 2 through February 15, 2010 shows there were 15 new cases for investigation with 13 closed and 2 pending further investigation.

Police Chief Preston also advised two police cruisers had been involved in accidents during the storms in the past week. Both cars were parked and unattended when they were struck. One cruiser was hit by a drunk driver and one was struck by a tractor trailer. Damages to both vehicles were cosmetic and will be repaired after the weather improves.

Law Director Stephan presented Ordinance No 10-02, which amends the zoning code to require parking lots and driveways to use asphalt or pavers, and eliminates the use of gravel; it accepts the use of gravel or other compacted material for storage and RV's; Section II amends Section 1353.05 (L) to add in the term “parking lots” so that the Zoning Officer can enforce nuisance abatement rules.

Motion by Duncan, second by Garber to read proposed Ordinance No. 2010-02. All yeas, motion carried.

Motion by Apgar, second by Garber to accept the first reading of proposed Ordinance No. 10-02. All yeas, motion carried.

Mayor Seagraves set the Public Hearing on proposed Ordinance No. 2010-02 for Tuesday, March 16, 2010 at 8:00 p.m. in the Council Chambers.

Deputy Clerk Duncan had no report

Mayor Seagraves thanked the entire city staff for their job performance during the storm.

Motion by Duncan, second by Garber to read proposed Resolution No. 10-01. All yeas, motion carried.

Motion by Apgar, second by Cantrell to accept the third reading and adopt Resolution No. 10-01 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS PROPERTY EITHER AT A PUBLIC AUCTION, A PRIVATE SALE, OR BY INTERNET AUCTION." All yeas, motion carried.

Motion by Garber, second by Letner to read proposed Resolution No. 10-04 through Resolution No. 10-07. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 10-04 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CITY MANAGER, AND DECLARING IT AN EMERGENCY.", Resolution No. 10-05 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FIRE, AND DECLARING IT AN EMERGENCY.", Resolution No. 10-06 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF POLICE, AND DECLARING IT AN EMERGENCY." and Resolution No. 10-07 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF LAW, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

There was no Old Business.

There was no New Business.

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

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Kimberly Duncan, Deputy Clerk

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David E. Seagraves, Mayor