

BROOKVILLE CITY COUNCIL
REGULAR MEETING
April 6, 2010

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Ullery at 7:30 p.m. on April 6, 2010 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell and Letner; Manager Wright, Fire Chief Nickel, Police Chief Preston, Law Director Stephan and Interim Asst. City Manager/Director of Finance/Clerk Keaton were present. Mayor Seagraves arrived later, and Members Duncan and Garber were absent.

Motion by Cantrell, second by Apgar to accept the Agenda as presented. All yeas, motion carried.

Motion by Letner, second by Apgar to accept the March 16, 2010 Regular Meeting Minutes as presented. All yeas, motion carried.

Carla Beatty, President of the Brookville Chamber of Commerce, requested authorization for the Brookville Chamber of Commerce to hold their annual Downtown Block Party on Saturday, June 12 from 7:00 to 11:00 p.m. The event will be held on Market Street between Walnut and Sycamore Streets. The band and four food vendors will be staged on Mulberry Street, which would be blocked off from alley to alley. The Play Zone will be behind the stage area. Market Street will be blocked from Mulberry Street to just before the Clark Station. The beer and wine station will be in front of Candy Break close to the green space area.

Chief Preston advised that this new layout is the result of a meeting between himself and the Chamber to alleviate some of the problems that occurred last year. Chief Preston said he had spoken with the owners of both the Clark Station and Pizza Express, and both stated they did not get any business from this event so excluding this area of Market Street along with the bikeway would not affect them.

Mayor Seagraves arrived.

Chief Preston advised the anticipated costs to the Police Department for the Block Party event are approximately \$2,000.00.

Member Cantrell stated she felt it was a good idea to flip the layout around. Discussion followed.

Motion by Cantrell, second by Apgar to allow the Brookville Chamber of Commerce to hold their 8th Annual Downtown Block Party on Saturday, June 12 from 7:00 to 11:00 p.m. as presented, with Market Street being barricaded from Walnut Street to just before Sycamore Street, excluding the Clark Station and the bikeway; and with the proper permits being obtained from the Division of Liquor Control. All yeas, motion carried.

Mayor Seagraves gave an update on Member Duncan, who successfully came through surgery last week, and is now recuperating in the hospital.

Dan Swigart, of 803 Shaney Lane, stated he was concerned that a neighbor on the corner of Randy Sue Court and Flanders Street is operating a business from his home. Mr. Swigart stated there are several ambulances with the logo Miami Valley Non-Emergency Medical Transport as well as various vehicles parked around this house and in front of his home at all times.

Carl Snedeker, of 827 Shaney Lane, said he spoke with the owner of the alleged business location. The owner stated the business was based in Lewisburg, but the drivers would come to their home to pick up an ambulance and go on calls. The drivers were leaving their personal vehicles parked in the area until they returned from the calls.

Mayor Seagraves stated that city would look into the situation.

Law Director Stephan commented that our Zoning Enforcement Officer will need to look into the situation and that if a business is being run out of the home it will require a Home Occupancy Permit to be issued by Planning Commission.

Manager Wright reported that the Service Department has been busy with the nice weather upon us. Last week our crews worked with a contractor on Wolf Creek Street at Karrland Drive to replace several sections of broken sanitary sewer pipe and also set a manhole to put a relief sewer in. This project needed to be done before May 1, as the area is scheduled to be repaved with stimulus funds received last year.

Manager Wright advised crews have been running the street sweeper for the last three or four weeks, and should finish by the end of this week.

Manager Wright advised another project is taking place this week to replace a bad shaft at the Waste Water Treatment Plant. This does not affect operation of the treatment plant or the effluent coming from the plant.

Manager Wright stated all the parks restrooms are being de-winterized so they will be operational, and mowing maintenance of the parks will resume this week.

Manager Wright reported we have submitted two grant applications to the Montgomery County Solid Waste District. One application proposes planters to be added to the downtown area and maintained by the Leaf and Blossom Club. The other application is for playground equipment for our parks.

Manager Wright presented the 2010 Water/Sewer Rate Survey prepared by the City of Oakwood and advised that we are in the top third on our water rates and out of 60+ communities we are third from the bottom on our sewer rates. Overall, our rates are in the bottom third of the survey.

Manager Wright presented a letter received from the Montgomery County Commissioner Deborah Feldman addressing monitoring issues they have had with the Ohio Department of Job and Family Services and the SCLC. The letter explains the monitoring problems and the steps taken to correct them.

Manager Wright stated he has received several calls from residents on West Westbrook Road inquiring when the landscaping is to be completed from last fall's project. Now that spring is here, the landscaping will be done soon.

Manager Wright reported the city's 17 year old Chevrolet Blazer was sold on GovDeals for approximately \$4,500.00. We currently have another truck listed on GovDeals and plan to dispose of an old police cruiser in the same manner as soon as our new police cruiser is detailed and on the road.

Member Letner inquired if the city had ever applied for grants to line our sanitary sewers for infiltration?

Manager Wright advised we have studied our whole sanitary system and found we do not have a problem with infiltration, but with inflow of storm water from cross connections or downspouts. It would be very expensive to remedy this problem. The study showed it is cheaper for us to treat the water. Manager Wright stated we recently met with ATS, the company that handled our last two sewer plant expansions, and our next EPA permit will probably require us to take another look at this problem.

Member Letner inquired about the large amount of tires we disposed of in 2009?

Manager Wright advised the tires were picked up from various businesses and residences around town and each address is charged for the tire disposal.

Fire Chief Nickel reported another CERT class graduated on March 27, 2010. CERT graduates participated in a mock disaster at the sewer plant that went well. The CERT program is still a viable program that hopefully we won't have to use.

Fire Chief Nickel stated the Fire Department participated in the Optimist Easter Egg Hunt held on Saturday, April 3rd.

Fire Chief Nickel presented an Incident by District Summary from March 17 through April 6, 2010. The report indicated there were 78 alarms in this time period, with 60 of those alarms in the City of Brookville, 9 in Clay Township, 7 in Perry Township and 2 outside Brookville's response district.

Police Chief Preston reported the Brookville Police Department had 27 arrests in the month of March. The incident log from March 16 through April 5, 2010 shows there were 40 new cases for investigation with 36 closed and 4 still pending further investigation.

Police Chief Preston reported there were several domestic disputes and assault cases during this time period and three cars were broken into on March 25 in the area of Plantation Apartments on West McKinley Street. One individual was responsible for all three break-ins and charges are pending against this individual. On March 30, the Police Department took a report on a scam in which the individuals were looking to move to the Columbus area and sent \$1,800.00 to a subject they thought they were buying property from on Craig's list. The money was sent via Western Union to a subject in Nigeria. Police Chief Preston cautioned against any money transaction involving Western Union and Nigeria as these are flags that it could be a scam.

Police Chief Preston advised beginning April 7, 2010 citations will be issued for violations of the booster seat law that went into effect in October. In Ohio, children under age 4 or under 40 pounds are required to be in a car seat, children ages 4-7 who are under 4'9" are required to be in a booster seat and ages 8-15 are required to be wearing a seatbelt. Police Chief Preston advised everyone to be aware of the new law.

Member Cantrell complimented Department Heads on the nice job they did on the Annual Report.

Member Letner congratulated Chief Preston and his department on the letter received from a resident from Fairborn, who was issued a warning by a Brookville Officer. The letter stated that the Officer's uniform was well kept and the Officer was polite, knowledgeable and friendly.

Finance Director/Clerk Keaton presented the March 31, 2010 Fund balance for Council review and approval.

Motion by Cantrell, second by Apgar to approve the March 31, 2010 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton presented a Combined Detail Report of the year-to-date revenues and expenditures for each fund and how they compare to the current year budget.

Finance Director/Clerk Keaton requested Council approval to transfer \$364,801.11 from the General Fund to the Bond Retirement Fund to be used toward paying our 2009 Note down later this month. This amount was appropriated in our 2010 budget.

Motion by Letner, second by Ullery to authorize the transfer of \$364,801.11 into the Bond Retirement Fund as appropriated and requested by Finance Director Keaton. All yeas, motion carried.

Finance Director/Clerk Keaton reported she was recently notified by the Ohio Division of Liquor Control that all permits to sell alcoholic beverages in the City of Brookville will expire on June 1, 2010. In order to maintain permit privileges, every permit holder must file a renewal application. Ohio Revised Code Section 4303.27(B) provides the legislative

authority with the right to object to the renewal of a permit and to request a hearing. Finance Director/Clerk Keaton advised she spoke with Police Chief Preston and he has no objection to any of our current permit holders renewing their permits with the Division of Liquor Control. Finance Director/Clerk Keaton recommended that Council waive the right to object to the renewal of the yearly permits to sell alcoholic beverages in the City that expires on June 1, 2010.

Motion by Ullery, second by Cantrell to waive the right to object to the renewal of the yearly permits to sell alcoholic beverages in the City that expires on June 1, 2010. All yeas, motion carried.

Finance Director/Clerk Keaton stated she recently received notification from the Ohio Division of Liquor Control that there is an Application for Change of Corporate Stock Ownership for Gas America located at 926 Arlington Road. Council, by motion, can either request or not request a hearing on the advisability of issuing this permit.

Motion by Apgar, second by Letner to waive a hearing on the advisability of issuing the permit for Gas America located at 926 Arlington Road. All yeas, motion carried.

Finance Director/Clerk Keaton reported the Community Park Cleanup Day, held on March 20 was a huge success with the biggest turnout ever.

Finance Director/Clerk Keaton advised the City of Vandalia Income Tax Department assisted 34 residents on Friday, March 26 and 12 residents on Saturday, March 27 with their local income tax returns. This was a slight increase from last year.

Mayor Seagraves thanked the community and City Staff for their participation in Community Park Cleanup Day.

Finance Director/Clerk Keaton reported at the March 18 Planning Commission meeting a motion was made by Cantrell, second by Seagraves to recommend to Council to adopt Ordinance No. 2010-02, which adopts certain regulations for construction and maintenance of parking lots and driveways in the City of Brookville, Ohio. All yeas, motion carried.

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

Motion by Apgar, second by Ullery to accept the second reading of Ordinance No. 2010-02. All yeas, motion carried.

In Old Business, Mayor Seagraves asked Chief Preston for his concerns and thoughts about the youth congregating along Market Street.

Chief Preston commented that there are more youths uptown with the warmer weather upon us. The Police Department has had several impromptu meetings with the youth and advised them of what behavior would and would not be tolerated. Some of the youth are working with them and some are not. Four youths have been arrested and he believes this is sending a message. Police Chief Preston stated he has personally been uptown to check on the youth three times in the past week and each time they were seated and orderly. Discussion followed.

Member Cantrell inquired how the next phase of the Downtown Revitalization Program was going?

Finance Director/Clerk Keaton replied that 18 grant applications have been picked up or mailed out. The applications are due back in the city office by April 15, 2010.

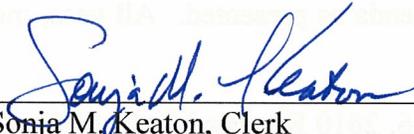
In New Business, Member Letner inquired about holding another community wide garage sale?

Members Apgar and Cantrell stated they would like to see the garage sales community wide instead of just in one section of the city. Discussion followed.

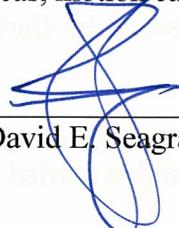
Motion by Letner, second by Apgar to hold community-wide garage sales on June 10, 11, and 12 to coincide with our Downtown Annual Block Party. All yeas, motion carried.

Manager Wright stated he and staff would work on the details for this garage sale.

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



Sonja M. Keaton, Clerk



David E. Seagraves, Mayor