

BROOKVILLE CITY COUNCIL
REGULAR MEETING
September 2, 2014

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on September 2, 2014 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber and Letner; Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan, Manager Wright and Assistant Manager/Finance Director/Clerk Keaton were present. Member Kirklin was absent.

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

Motion by Apgar, second by Garber to accept the August 19, 2014 Regular Meeting Minutes as presented and the August 25, 2014 Special Meeting Minutes with a correction as requested by Member Garber. All yeas, motion carried.

Kirsten and Chris Page, of the Brookville Band Association, stated they wish to do a fundraiser for the school band trip to Disney World and would like to hold a 5K run on Saturday, December 13, 2014. Mrs. Page stated they have spoken with Police Chief Jerome regarding the run and have his approval. Mrs. Page asked if there are any restrictions on soliciting sponsorship from local businesses for the run.

Member Garber advised the only restriction is that they do not solicit after 7:00 p.m.

Mr. Page asked Law Director Stephan if a standard waiver included with the 5K run registration would cover the Band Association for insurance needs, or do they need to purchase insurance?

Law Director Stephan advised they should check with the school to see if their policy covers the Band Association. Law Director Stephan stated the City has liability coverage for City streets but that would not specifically cover the event.

Mr. Page asked if there are any restrictions regarding a maximum number of participants?

Mayor Seagraves replied there are no restrictions on a maximum number of participants.

Member Garber suggested making contact with Dick Baker for advice on organizing the event as he has a lot of experience with runs.

Mr. Page replied they have been in touch with Dick Baker.

Mrs. Page stated that 5K runs traditionally begin at 8:00 a.m. but they would like to start at 9:00 a.m. as the race is in the winter and this would give crews time to clear the streets in the event of inclement weather.

Mr. Page presented the proposed route which starts at Brookville Schools and then travels down Western Avenue to March Avenue to Simmons Street to S. Orchard Street to Terrace Park Blvd. to Bayview Avenue to June Place to Doyle Avenue to Brookmoor Drive, to Terrace Park Blvd. to Hill Street to Western Avenue to N. Orchard Street to Church Street to N. Rock Street to Western Avenue and then back to the school.

Motion by Apgar, second by Cantrell to allow the Brookville Band Association to hold a 5K Run on December 13, 2014 beginning at 9:00 a.m. with the route as presented. All yeas, motion carried.

Carl Snedeker, of 827 Shaney Lane, asked if a motion is made in emergency fashion, does the motion have to state the nature of the emergency?

Law Director Stephan replied under our Charter, if an Ordinance or Resolution is passed under an emergency, the reason for the emergency must be included in the text of the Ordinance or Resolution.

Member Duncan stated he thinks what Mr. Snedeker is asking is whether Council should state why there is an emergency before the vote.

Mr. Snedeker stated you cannot really tell from the minutes what the reason is for the emergency.

Law Director Stephan replied every Ordinance or Resolution that is passed under an emergency defines the reason for the emergency in the text of the document.

Mr. Snedeker stated he read it as the motion itself should state why there is an emergency.

Member Garber commented that normally Member Duncan will ask what the emergency is for, before the vote is taken, and that has always been to Council's satisfaction that the nature of the emergency warrants the passage of the motion. Member Garber stated we can stipulate the nature of the emergency accompany the reading.

Mr. Snedeker stated he would appreciate that.

Gary Horstman, of 11465 Upper Lewisburg Salem Road, inquired if the edges of the bikeway will be cleaned up now that it has been repaved? Mr. Horstman stated right now it is difficult for him to mow.

Manager Wright replied the contractor is going to berm the edges with gravel, and install concrete aprons at the intersections. This should be done in mid-September.

Mr. Snedeker commented there is a considerable drop off on the edge of the bikeway now, and asked who is responsible if someone is hurt falling off the edge?

Manager Wright replied that would be Five Rivers' Metro Parks.

Manager Wright reported we received three bids for the 2014 Street Resurfacing Project which ranged from \$73.00 per ton up to \$93.80 per ton for the asphalt. Manager Wright reported there is a new product called trackless tack coat, which adds \$1.00 per ton to the cost. Manager Wright advised this new tack coat was used on the Bikeway Project with good results and he recommends using it on our street project. Manager Wright commented that we have used Wagner Paving, Inc, in years past, and have been very pleased with their work. Manager Wright recommended Council accept the bid from Wagner Paving, Inc. with the contractor keeping the material.

Motion by Garber, second by Apgar to accept the bid of \$74.00 per ton for approximately 2,050 tons of asphalt concrete overlay Type 1 with the trackless tack coat and \$1.75 per square yard for pavement removal, Contractor keeps material for approximately 20,000 square yards from Wagner Paving, Inc. All yeas, motion carried.

Manager Wright announced two Community Forums will be held for the Dayton Metro Library regarding the new library project on September 3 and October 1, 2014. Both forums begin at 7:00 p.m. and will be held at the Brookville Library branch. Manager Wright encouraged Council and residents to attend.

Manager Wright presented an email from Brookville School Superintendent Tim Hopkins regarding Beggars Night on October 31, 2014. Mr. Hopkins wanted to make sure we are aware this is the last home football game of the season and it is also senior night. Manager Wright reported he has spoken with other communities who have the same situation and they have not changed the date.

Member Garber stated the games begin at 7:00 p.m. this year and he does not like the idea of having all those kids out with all the traffic for the football game.

Mayor Seagraves suggested starting Beggars Night earlier.

Manager Wright advised if we change the date we will get a lot of beggars from other communities.

Member Cantrell commented changing the time might make it difficult for working parents. Member Cantrell suggested we keep the time the same and educate people on pedestrian safety during Beggars Night.

Fire Chief Fletcher advised game traffic starts around 6:00 p.m.

Member Letner stated we agreed last year to go by the schedule set by the Mayors and Managers Association and we should not change it.

The consensus is to keep Beggars Night on October 31, 2014 from 6:00 p.m. until 7:30 p.m.

Member Garber asked how our salt supply is for this winter?

Manager Wright replied our salt bin is completely full.

Fire Chief Fletcher presented the Brookville Fire Department Operations Report for the month of August, which shows the Fire Department responded to 122 EMS and 18 Fire Incidents during the month. Fire Chief Fletcher stated while we are having a busy year, our dollar loss for fires is well under our dollar loss for last year.

Fire Chief Fletcher reported the Brookville Fire Association set a new record for their "Fill the Boot" campaign, raising over \$4,100 in four hours for MDA.

Fire Chief Fletcher requested Council approval for the annual Fire Prevention Parade on October 4, 2014 at 11:00 a.m. The Fire Association will serve barbeque chicken at noon and we will also have an open house at Station 1 on Mulberry Street.

Motion by Duncan, second by Apgar to approve the Fire Prevention Parade on October 4, 2014 at 11:00 a.m., beginning on Albert Road and following the usual route. All yeas, motion carried.

Fire Chief Fletcher reported some funds have become available from the Rescue Task Force (RTF), which involved getting the Police and Fire Departments on the same page with regards to active shooter situations. Fire Chief Fletcher advised police nationally have embraced the proper way to handle active shooter events, yet there is a gap in getting to people who are injured. The RTF funds are being used to train EMS responders and outfit personnel in protective gear. Fire Chief Fletcher stated he has been trained and certified to train EMS personnel for active shooter situations and our Fire Department has been selected as a site to stage this equipment. Fire Chief Fletcher advised he will present more information on this as it becomes available.

Fire Chief Fletcher stated for the record there are many reasons residents may see fire equipment out around town where it does not appear they are responding to an emergency. The Fire Department does not always use their lights and sirens when they respond to calls. In order to respond safely and minimize the potential for a crash, there is a designated list of which types of incidents the Fire Department respond using lights and sirens. Fire Chief Fletcher advised equipment could also be on the road for driver training, which for safety and liability reasons is a huge aspect of department training.

Member Garber asked if each driver signs off as the training is completed?

Fire Chief Fletcher responded yes they do. The Brookville Fire Department uses a nationally recognized drivers training program that specifically involves a required number of non-emergency driving hours and documented emergency runs. Fire personnel are also required to have an annual evaluation with a supervisor to demonstrate that they still have the skills to adequately operate the fire equipment safely.

Member Garber inquired if the active shooter protective gear consists of bomb squad suits?

Fire Chief Fletcher replied the protective gear is equipment that provides ballistic protection for the paramedics.

Member Garber inquired how far the region extends that we will cover as the designated staging department?

Fire Chief Fletcher replied we are part of a Dayton Major Metropolitan Response System (MMRS) where federal money comes in for domestic preparedness. Fire Chief Fletcher advised the coordinator for MMRS is a senior Paramedic for the City of Dayton. The Dayton MMRS covers an eight county area, but we would be responsible for pushing resources to northwestern Montgomery County and portions of Darke and Preble Counties, depending upon the need.

Police Chief Jerome introduced Captain Cherish Isaacs and congratulated her on her promotion to Captain. Police Chief Jerome stated he is proud of Captain Isaacs for her hard work and dedication to the Police Department.

Police Chief Jerome reported the Brookville Police Department has handled 444 Reportable Incidents year-to-date, compared to 501 during this same time period last year. Citations are up 9 for a total of 375 Citations year-to-date. The Brookville Police Department made 232 traffic stops during the month of July, which is an increase of 61 traffic stops over this same time period last year, which Chief Jerome attributed to the Drive Sober or Get Pulled Over Campaign which is currently underway.

Police Chief Jerome reported the Police Department is the recipient of the use of a license plate reader for a one year period. The reader, which will be installed on the trunk of one of our Police cruisers, will read the license of every car that goes by while the cruiser is stationary. The license plate number will be run through L.E.A.D.S which will alert Officers if the vehicle is entered as stolen, wanted for an AMBER alert or other type of crime.

Police Chief Jerome reported he has joined other Police Chiefs in drafting a letter from the Montgomery County Police Chiefs Association to Congress, asking them to keep the LESO 1033 Government Program in place. The program allows police departments to get property from the federal government for free, allowing them use of the property but keeping it on our books as federal property. The Ohio Chiefs of Police and the International Chiefs of Police are also in support of keeping the program, as it provides smaller departments with the means to respond to situations such as active shooters with the best possible equipment.

Police Chief Jerome presented a statistics packet of the accomplishments and activities the Police Department has implemented over the past two years, as well as a report on the calls for service, criminal offenses, crashes and traffic stops from 2009-2013. These statistics are reported to the FBI on a monthly basis.

Member Garber commented he likes the number of traffic stops made by the Police Department as he feels this causes drug dealers and users to think twice about coming to Brookville.

Mayor Seagraves thanked Chief Jerome for the report and congratulated the Police Department on the many accomplishments and things they are working on.

Member Garber asked if drones or quad-copters could be used in fighting fires by flying them over fires to gain visibility?

Fire Chief Fletcher reported he has witnessed drones in use for firefighting and stated he is impressed with the perspective they can provide. Fire Chief Fletcher advised he envisions them being used by many Fire and Police Departments as they become more affordable.

Member Garber commented the drones could be a great application for City use without putting a person's safety at risk. Member Garber stated DP&L is currently looking at them for all kinds of application.

Member Cantrell thanked Police Chief Jerome for his work in the community and for providing the recap this evening.

Mayor Seagraves congratulated Captain Isaacs on her appointment and wished her the best.

Law Director Stephan reported on December 16, 2008, the City of Brookville entered into an Income Tax Revenue Sharing Agreement with Brookville Local Schools for the Payless and Provimi projects in the Northbrook Industrial Park. Under the terms of the Agreement, the City is entitled an infrastructure offset charge in the amount of \$20,000 to be deducted from the income tax revenue and then the remainder of the income tax revenue is equally divided between the City and School District.

In 2012, the Provimi building was expanded, and additional employees were added to the Provimi site. The City constructed Nutrition Way as a part of the Provimi expansion project, and additional infrastructure costs were incurred by the City to construct Nutrition Way.

The City Staff has proposed to the Brookville Local Schools that the revenue sharing Agreement be amended to grant the City an additional infrastructure offset charge of \$20,000 for the Provimi expansion project to offset the additional costs incurred by the City to construct Nutrition Way. The School Board has approved this amendment, and authorized Superintendent Hopkins to sign the amendment. Law Director Stephan requested that Council, by motion, authorize Manager Wright to enter into the amendment to the Revenue Sharing Agreement.

Motion by Cantrell, second by Duncan to authorize Manager Wright to enter into the amendment to the Revenue Sharing Agreement with Brookville Local Schools. All yeas, motion carried.

Law Director Stephan thanked the School Board, Superintendent Hopkins and Treasurer Dan Schall for working with us on this and getting the Agreement completed.

Assistant Manager/Finance Director/Clerk Keaton presented the August 31, 2014 Fund Balance for Council review and approval.

Motion by Duncan, second by Cantrell to accept the August 31, 2014 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director/Clerk Keaton requested Council approval to transfer \$10,000 into the Park Fund as appropriated.

Motion by Cantrell, second by Apgar to approve the transfer of \$10,000 into the Park Fund as appropriated. All yeas, motion carried.

Assistant Manager/Finance Director/Clerk Keaton advised the Miami Valley Planning & Zoning Workshop will be held on Friday, December 5, 2014 at Sinclair Community College and requested Council approval to pay the \$50.00 registration fee for those Council, Planning Commission, Board of Zoning Appeals and Staff who are interested in attending.

Motion by Apgar, second by Cantrell to approve the \$50.00 registration fee for the Miami Valley Planning and Zoning Workshop on December 5, 2014 for each member of Council, Planning Commission, Board of Zoning Appeals and Staff who are interested in attending. All yeas, motion carried.

Mayor Seagraves had no report.

Assistant Manager/Finance Director/Clerk Keaton reported at the August 21, 2014 Planning Commission Meeting, Planning Commission made the following recommendations: Motion by Cantrell, second by Claggett to recommend to Council to adopt proposed Ordinance No. 2014-07 that establishes regulations for Wireless Telecommunication Facilities in the City of Brookville, Ohio. All yeas, motion carried; Motion by Claggett, second by Henderson to recommend to Council to adopt proposed Ordinance No. 2014-08 that rezones Lot 2345 of the revised and consecutive numbers of lots of the City of Brookville, Ohio from its present classifications of R-1C, Urban Residential District, and I-1, Light Industrial District, to the new classification of R-1B, Urban Residential District. All yeas, motion carried.

Motion by Duncan, second by Apgar to read proposed Ordinance No. 2014-07. All yeas, motion carried.

Motion by Duncan, second by Cantrell to accept the second reading of Ordinance No. 2014-07. All yeas, motion carried.

Motion by Apgar, second by Cantrell to read proposed Ordinance No. 2014-08. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the second reading of Ordinance No. 2014-08. All yeas, motion carried.

Member Garber inquired whether Police Chief Jerome had reviewed the walking route for the "Hike the Sled Road" event that Cub Pack 47 is planning for September 9, 2014?

Police Chief Jerome replied he has reviewed the route and there are no issues.

There was no New Business.

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



Sonja M. Keaton, Clerk



David E. Seagraves, Mayor