

BROOKVILLE CITY COUNCIL
REGULAR MEETING
April 17, 2012

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on April 17, 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 as presented. All yeas, motion carried.

Motion by Duncan, second by Cantrell to accept the April 3, 2012 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves welcomed everyone and thanked Vice Mayor Cantrell for serving in his absence at the last Council meeting.

Kim Cheatham, of 565 Adrian Court, stated she has already spoken with many of the Council members individually regarding her and her husband Jim's thoughts about the Police Chief position, and she is here this evening because she read the article in the Brookville Star recently regarding the Neighborhood Watch group established at Rona Village. Ms. Cheatham said the article neglected to mention that the Neighborhood Watch group was established at the recommendation of Detective Duncan, due to activities taking place in Rona Village. Ms. Cheatham stated she took Detective Duncan's recommendation to the Trustees of Rona Village and was under the impression that he would be present at the first Neighborhood Watch meeting. Ms. Cheatham said she and the Trustees were surprised when Sgt. Jerome and Officer Sewert showed up without him. Ms. Cheatham stated she feels that Detective Duncan deserved the recognition for working with her and other individuals in Rona Village and deserves the credit for establishing a Neighborhood Watch. Ms. Cheatham said to her knowledge Detective Duncan has always treated everyone with the utmost respect. Ms. Cheatham said she was born and raised in Brookville and remembers when Detective Duncan first started here as a Police Officer, so she was surprised, as Gary Jenkins stated in a previous meeting, that the City is looking outside Brookville to hire for the Police Chief position when there are good candidates within the Department. Ms. Cheatham said she is here tonight on behalf of Rona Village and their Board of Trustees to recognize Detective Duncan for everything he has done to clean up Rona Village, and she could have brought many others who feel the same.

Mayor Seagraves thanked Ms. Cheatham for her comments and stated there are two internal candidates who will be going through assessment testing on May 12. Once the assessment results are in, Council will interview both candidates.

Mayor Seagraves then asked for Police Chief Preston's clarification that Officer Duncan is the Detective and that Sgt. Jerome and Officer Sewert normally handle the Neighborhood Watch program.

Police Chief Preston stated that is correct, Officer Sewert took over the Neighborhood Watch position last year and Sgt. Jerome has been assigned to assist him as he is new to the program.

Marilyn Howdieshell, of 9264 Access Road, stated she is here with her daughter Shelly Blosser, of Johnsville Brookville Road. Mrs. Howdieshell stated they each live just outside the Brookville city limits, but this has been her town for almost 70 years and her daughter's town for 40 years. Mrs. Howdieshell stated her kids grew up here and knew the Police Officers way back- not that they were in trouble but because they would often talk to the Officers. Mrs. Howdieshell said she is out of her comfort zone coming here this evening but she and her daughter would like to recommend Detective Duncan for the Police Chief position. Mrs. Howdieshell said Detective Duncan has always been around for her children, had good rapport with kids and was always very fair, allowing them to get together and talk as long as they didn't trash anything. Mrs. Howdieshell said there was an incident a few years ago with her grandson, and Detective Duncan was the only Officer that would talk to them and listen to them.

Ms. Blosser agreed, stating her 19 year old son got in trouble a few years ago at the Brookville Community Picnic and she is still dealing with issues from this incident because of the way her son was treated. Ms. Blosser stated she had to get a lawyer for her son and there was a court hearing attended by several Brookville Officers. Her lawyer proved at the hearing that the incident was taken way too far. Ms. Blosser stated during this time period Detective Duncan was the only Officer that would talk to her; the others treated her like she and her son were lying. Ms. Blosser said there was also a 21 and 23 year old involved in the incident and nothing was done to them, while her son was taken to the Juvenile Detention facility and put on house arrest until the court hearing. Ms. Blosser stated Detective Duncan was always there for her during this time. Ms. Blosser said her son does not take drugs and does not vandalize, he works, goes to school and pays his own car payment. Ms. Blosser stated her son is not a punk as he was treated. Ms. Blosser related she feels Detective Duncan could bring back the distance and disrespect that people have for some of the Police Officers in this town. Ms. Blosser stated she was a teenager in this town and remembers several of the Officers, including Duncan, who would never have treated her and her friends like her son was treated. Ms. Blosser stated she really feels that Detective Duncan would be a good person to bring back some of the respect in this town. Ms. Blosser stated her son is not perfect but he got a raw deal and it has bothered her since 2009. Ms. Blosser stated the next year one of the Police Officers threatened to throw her son and her parents out of the Community Picnic; which was uncalled for. This has caused her not to have much respect for several of the Officers, except for Duncan. Ms. Blosser stated she lives in this town and works in this town and Detective Duncan means a lot to her because of everything he has done for her.

Mrs. Howdieshell advised her husband is very quiet and laid back and he said some things to a few of the Police Officers that embarrassed her, but she understands why he did that after the incident with her grandson. Mrs. Howdieshell stated that when your children hurt, the whole family hurts and they are still fighting it. When she sees the Police Officers who were involved in the incident, she had no respect for them and that is why she and her daughter came here tonight to express their support of Detective Duncan.

Mayor Seagraves thanked both women for their comments and said both candidates will be given a fair chance and will be interviewed after they have been assessed.

Ms. Cheatham stated the recent interview on the news by Officer Simon did not put Brookville in a good light. Ms. Cheatham said that she was questioned by several people at her place of employment in Moraine about Brookville having a big issue with drugs after they heard Officer Simon state this on the news. Ms. Cheatham stated Sgt. Jerome advised there was no drug issue or activity in Brookville when he was at the Rona Village Neighborhood Watch meeting, so she was quite taken back when she heard Officer Simon contradict this statement on the news. Ms. Cheatham said she responded to her co-workers questions by saying there are drugs everywhere and left it at that.

Member Duncan commented he also heard Officer Simon say Brookville has a big issue with drugs on the news interview.

Police Chief Preston stated our young Officers will learn that if you say too much it can come back to bite you and that is what happened with Officer Simon in the news brief. Police Chief Preston stated drugs are an issue everywhere and Brookville is no different than anywhere else. Police Chief Preston said we also have heroin here in town, so does everybody else. We do not have any major drug houses, what we have are street level dealers and street level users, so we are pretty fortunate in that regard.

Manager Wright presented a copy of a flyer for the 6th Annual Law Enforcement Officer Memorial Ceremony on Friday, May 4, 2012. Manager Wright advised there is special seating and parking for elected officials.

Manager Wright requested Council authorization to enter into a four-year renewal (2012-2015) Fire/EMS Service Contract with Perry Township. Manager Wright advised the only relevant change is an increase in the administration fee from 1.5% to 3%. Manager Wright stated the Agreement has also been extended to four years, which is the life of the current fire levy.

Motion by Apgar, second by Garber to authorize Manager Wright to enter into a four-year renewal Agreement with Perry Township for Fire and EMS Services. All yeas, motion carried.

Manager Wright advised a pole was knocked down this past weekend at the edge of town on Westbrook Road, which cut some lines with fiber optic wires that control the Brookville water pumps at the Westbrook Pump station located between Brookville and Trotwood. Manager Wright reported he and Ron Brandt were notified immediately and they worked closely with the City of Dayton, who controlled the pumps manually to keep the water tower level where it needs to be until it was back in service on Sunday. Manager Wright commended Ron Brandt, the City of Dayton Water Department and Frontier Communications for making the repairs and getting everything back to normal.

Member Cantrell inquired what would happen if we were not notified of a problem with the Westbrook Road pump station?

Manager Wright stated two things can happen, if the control goes to full, the water tower is going to run out of water; if the control continues to call for water, the pumps will keep pumping until the tower runs over, which will flood the area around the tower and continue to raise the pressure in the system.

Member Cantrell asked how the notification system works when an alarm is received.

Manager Wright stated the alarm has an automatic dial system which is controlled by radio frequency. When the alarm is received, it activates a call list that continues to call until someone is notified.

Manager Wright reported in response to Member Howard's recent inquiry, the cost of making a street sign with the equipment in our new sign shop is an average of \$12.

Manager Wright presented a copy of an Annual Water and Sewer Rate Survey published by the City of Oakwood and pointed out that we still hold a respectable position on the combined rate side and our sewer rates are the second lowest out of 63 cities.

Manager Wright presented a memo updating Council on the Police Chief hiring process. Manager Wright reported staff met with the lead consultant of the assessment team yesterday and the results of the assessment will provide a comprehensive study that will tell the story.

Member Garber said he was recently at the Castle Playground with his grandchildren and noticed the mat under the swings is torn up and a lot of sand needs replaced. Member Garber asked if these are the type of repairs that were discussed in the Park Board minutes?

Manager Wright stated we have a maintenance program where we inspect our playgrounds every two weeks for anything hazardous to children. Manager Wright stated the repairs discussed at the Park Board Meeting were replacing the aging lumber on the Castle Playground. Manager Wright reported he has contacted Leathers and Associates for information on their rehab program to see if that is something we want to look at in the next few years. Manager Wright stated we have applied for grant funds to replace all of the bedding with recycled rubber mulch. Manager Wright said he will look at replacing the sand.

Mayor Seagraves suggested talking to the Brookville Chamber of Commerce about helping with the repair costs to the Castle Playground.

Manager Wright stated we can talk to the Chamber about funding as it will be expensive and we do not have the funds to do it.

Fire Chief Fletcher reported the hydrant inspection program is going well and is about one quarter done. Fire Chief Fletcher invited everyone to the Annual Chicken Noodle Supper put on by the Fire Department on May 21 from 5:00 until 7:00 p.m. at McGregor's located at 712 Market Street.

Fire Chief Fletcher said the new medic went in service on Friday, April 13 and has been on several calls, however, there was an electrical problem while on one of the calls. The new medic is back at the factory getting the electrical system completely reviewed.

Member Duncan inquired about any problems with the fire hydrants?

Fire Chief Fletcher replied any repair issues with the hydrants are reported to Service Superintendent Ron Brandt.

Police Chief Preston presented the Brookville Police Department Incident Log and Arrest Log from April 1 through April 16, 2012, which shows 26 new cases for investigation with 22 closed and 4 pending further investigation. The Brookville Police Department closed 15 of these cases by arrest.

Police Chief Preston reported two subjects were arrested for drug trafficking on April 15, 2012. Police Chief Preston reported Officer Simon developed some informants while he worked the Detective position during Detective Duncan's sick leave absence, and is still handling all of the drug cases right now.

Police Chief Preston stated a rape was reported on April 5 but after investigation it was determined to be a false report. The individual will be charged with filing a false report.

Member Garber asked if the arrested drug suspects were frequenting the bike path area?

Police Chief Preston stated they frequented the bike path area and the Market Street area.

Member Garber asked about their current status.

Police Chief Preston stated they are set to go to Grand Jury on the suspects on Friday morning.

Mayor Seagraves asked if the suspects were repeat offenders?

Police Chief Preston stated that is correct.

Member Duncan asked whether synthetic marijuana and bath salts are a problem in our area?

Police Chief Preston stated we are not seeing these in our area since laws have been passed prohibiting the sale of these items.

Law Director Stephan had no report.

Assistant Manager/Finance Director Keaton reported the City's Note went to Market and was priced on April 4. Fifth Third Securities purchased the \$400,000 Note. The interest rate on the 2012 Note is 1.625%, the same rate we paid on the 2011 Note. The 2010 Note had a 2.75% interest rate and the 2009 Note had a 2.88% interest rate. We will close on our 2012 Note tomorrow and the 2011 Note will be paid off on Thursday.

Assistant Manager/Finance Director Keaton reported she was 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, 2012. In order to maintain permit privileges, every permit holder must file a renewal application. Ohio Revised Code Section 4303.27 (B) provides Council with the right to object to the renewal of the liquor permits and to request a hearing. Assistant Manager/Finance Director Keaton reported she met with Police Chief Preston on the renewal of the liquor permits and he had a concern on one liquor permit holder, but did not have enough to warrant an objection. Assistant Manager/Finance Director Keaton recommended 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, 2012.

Motion by Garber, second by Cantrell to waive the right to object to the renewal of the yearly permits to sell alcoholic beverages in the City that expire on June 1, 2012. All yeas, motion carried.

Assistant Manager/Finance Director Keaton presented an audit trail report showing the amount paid to the Montgomery County Animal Resource Center over the last several years as requested by Member Duncan at the last Council Meeting.

Assistant Manager/Finance Director Keaton reminded everyone of the E-Waste Day at Golden Gate Park, Shelter #3 this Saturday, April 21, 2012 from 9:00 a.m. until noon.

Assistant Manager/Finance Director Keaton presented a packet of information on proposed water, sewer and refuse rate increases. The City of Dayton increased their water rates 4.2% in April of 2009, 1.6% in 2011 and 3.8% beginning with the June 2012 billing. Assistant Manager/Finance Director Keaton advised we increased our water rates by 3.2% in April of 2009 and 1.7% in September 2011. We also increased our sewer rates 9.1% in September 2011, which still kept us the 4th lowest out of 63 jurisdictions at that time.

Assistant Manager/Finance Director Keaton proposed an approximate 3.5% increase on water rates and an approximate 6.3% increase on sewer rates. This would increase the average homeowner's bill by \$8.50 per quarter, or \$2.83 per month based on an average usage of 3,000 cubic feet. The City will continue to pay the well field charge of \$0.60/1,000 cf that Dayton charges on each account. Assistant Manager/Finance Director Keaton compared the proposed water and sewer rate increase against the 2012 Water & Sewer Rate Survey of nearby communities. Assistant Manager/Finance Director Keaton advised the proposed refuse rates show an increase of \$1.50 per quarter for each residential dwelling unit and \$2.00-\$2.25 increase per quarter for commercial accounts based on dumpster size.

Member Duncan stated if more residents would recycle our tipping fees would go down.

Assistant Manager/Finance Director Keaton advised recycling is up; 60% of our residents currently recycle.

Member Apgar asked what will happen if the North Incinerator closes?

Assistant Manager/Finance Director Keaton replied that is one of the reasons for a rate increase as fuel and maintenance costs will increase once we drive to the South Incinerator. Discussion followed.

Motion by Apgar, second by Howard to recommend Assistant Manager/Finance Director Keaton prepare Ordinances to increase our water, sewer and refuse rates as presented. All yeas, motion carried.

Assistant Manager/Finance Director Keaton announced there is no Planning Commission Meeting for the month of April due to lack of items for an Agenda.

There was no Old Business.

Member Garber requested an Executive Session on a Personnel Matter.


There was no New Business.

Motion by Garber, second by Letner to go into Executive Session on a Personnel Matter as requested by Member Garber. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor