

BROOKVILLE CITY COUNCIL
REGULAR MEETING
August 4, 2009

The Regular Meeting of the Brookville City Council was called to order by Vice Mayor Ullery at 7:30 p.m. on August 4, 2009 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Duncan, Garber, Letner and Reel; Manager Wright, Law Director Stephan, Fire Chief Nickel, Police Chief Preston and Director of Finance/Clerk Keaton were present. Mayor Seagraves was absent.

Motion by Duncan, second by Reel to accept the Agenda with the addition of proposed Resolution No. 09-20. All yeas, motion carried.

Motion by Reel, second by Garber to accept the July 21, 2009 Regular Meeting Minutes as presented. All yeas, motion carried.

Brent McDorman, of 857 Hunters Run Drive, stated he read the City is proposing a new fire station and it involves the extension of Market Street and he was inquiring how this will affect the Hunters Run Subdivision.

Manager Wright reported at this time we are looking at extending Market Street, with utilities, to E. Upper Lewisburg-Salem Road. The initial plans called for Hunters Run to connect with Market Street at some point.

Mr. McDorman expressed concern that Hunters Run would become a thoroughfare.

Manager Wright reported the current owners of Hunters Run are in the process of selling a portion of the remainder of the Hunters Run subdivision containing approximately 13.577 acres to an individual who owns property along Upper Lewisburg Salem Road that abuts this property that will create a void.

Mr. McDorman asked where the new fire station would be located?

Manager Wright reported the City currently owns approximately three acres that fronts East Upper Lewisburg-Salem Road, just west of Albert Road.

Manager Wright requested authorization from the Brookville Soccer Association to hold their Annual Opening Day Parade on Saturday, August 22, 2009.

Motion by Reel, second by Duncan to allow the Brookville Soccer Association to hold their Annual Opening Day Parade on Saturday, August 22, 2009 with lineup at 8:30 a.m. and the parade to begin at 9:00 a.m. The parade route will begin on Cusick Avenue and proceed left onto Market Street, right onto Wolf Creek Street, left onto Arlington Road to the Westbrook Soccer Complex. All yeas, motion carried.

Manager Wright reported the storm sewer project on Sycamore Street is complete and it went very well. All pipes are installed and tied in. Restoration and landscaping work will begin soon. Some of the restoration work will occur next year because we will have to wait until the ground settles.

Manager Wright reported the installation of sidewalks on the corner of Mound and Orchard Streets is complete. The contractor will be filling in the dirt along the sidewalk soon.

Manager Wright reported concrete repair work in Sterling Meadows, Section 7 has been completed. Street repair work and chip seal will begin shortly. The second coat of asphalt will be applied during our Street Repaving Program.

Manager Wright reported we will have two bid openings next week. Bid results will be presented to Council at the next meeting.

Member Duncan stated due to the heavy rain we received today, did we check for flooding in the area of the NorthBrook Industrial Park and Pleasant Plain Road?

Manager Wright stated we did not receive any calls today on any flooding.

Member Letner inquired if the City could send a letter to Giant Oil, the company that owns the former BP Station, to see what their intention is for the lot.

Member Duncan commented they also need to secure the lot. It seems there are always vehicles parked there overnight.

Manager Wright stated we will follow up on that.

Member Garber inquired if we were able to make contact with Payless regarding the beeping noise.

Manager Wright reported Chief Preston contacted OSHA today and that beeping noise cannot be tampered with.

Fire Chief Nickel presented the Incident by District Report that showed the Brookville Fire Department responded to 72 alarms from July 21 through August 4, 2009. Of those 72 calls, the Brookville Fire Department responded to two mutual aid calls.

Police Chief Preston presented the Incident Log from July 21 through August 3, 2009. Police Chief Preston reported there were 33 new cases during this time period with 25 closed and eight pending further investigation.

Police Chief Preston reported the Brookville Police Department responded to seven theft calls since July 21 and all were due to windows and/or doors being left unlocked. Police Chief Preston reported quite a few neighboring communities have experienced a considerable amount of theft due to the current state of the economy.

Police Chief Preston reported the Brookville Police Department along with Brookville Amvets Post 1789 is sponsoring a "COPS & VETS CRUISE "N" TOGETHER." Proceeds will benefit Children's Medical Center. The event will be held at the Brookville Amvets Post, 715 Market Street, on Saturday, September 12 with a Poker Run from 11:00 a.m. to 4:00 p.m., a chili cook-off from noon to 2:00 p.m., and a bike and car show from 4:00 p.m. to midnight. A pig roast, cake walk and 50/50 drawing will also be held during the event. Police Chief Preston requested Council approval to block off Market Street from Amvets to the dead end for this event.

Motion by Duncan, second by Reel to allow Market Street to be blocked off from Amvets to the dead end on Saturday, September 12, 2009 as requested. All yeas, motion carried.

Police Chief Preston reported the Brookville Police Department applied for a COPS grant earlier this year and we received notification that we did not make the cut this round, but we were not denied. Our grant will remain on file in case the funding is renewed next year.

Law Director Stephan had no report.

Member Garber questioned if we should be more specific with the screening requirements for solar energy equipment in proposed Ordinance No. 2009-11?

Law Director Stephan stated Planning Commission discussed the screening of ground mounted solar energy equipment, and we could certainly add vegetation and fence height requirements if Planning Commission and City Council chooses.

Finance Director/Clerk Keaton presented the July 31, 2009 Fund Balance for Council review and approval.

Motion by Duncan, second by Cantrell to approve the July 31, 2009 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton reported she received notification that the disposal fee at the Montgomery County Transfer Station will increase by the added Ohio EPA fee of \$1.25 per ton. The increase took effect August 1, 2009 with the recent passage of the State of Ohio Budget Bill. The Refuse Fund will be able to absorb this per ton increase.

Vice Mayor Ullery reported the Mayor did not have a report for tonight.

Motion by Garber, second by Letner to read proposed Resolution No. 09-17. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the third reading and adopt Resolution No. 09-17 entitled "A RESOLUTION ENDORSING THE EXISTING CONDITION ASSESSMENT PHASE OF THE GOING PLACES - AN INTEGRATED LAND USE VISION FOR THE MIAMI VALLEY REGION." Cantrell yea, Duncan yea, Reel nay, Letner yea, Garber yea and Ullery yea. Motion carried with five yeas and one nay.

Motion by Duncan, second by Garber to read proposed Resolution No. 09-19. All yeas, motion carried.

Member Reel stated it is his understanding that we had four property owners present at the Open House who were in opposition to the W. Westbrook Road Project.

Finance Director/Clerk Keaton stated that is correct.

Motion by Duncan, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 09-19 entitled "A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING, REPLACING OR REPAIRING CERTAIN SIDEWALKS, CURBS AND GUTTERS IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." Garber yea, Letner yea, Reel yea, Duncan yea, Cantrell yea and Ullery abstained. Motion carried with five yeas and one abstention.

Member Duncan reported Brookville National Bank currently has a promotion where they are offering 5.99% home improvement loans and sidewalks are included in that promotion if property owners wanted to take advantage of that.

Motion by Garber, second by Duncan to read proposed Resolution No. 09-20. All yeas, motion carried.

Motion by Duncan, second by Cantrell to accept the first reading, dispense with the second and third reading and adopt Resolution No. 09-20 entitled "A FINAL RESOLUTION CONSENTING AND COOPERATING WITH THE DIRECTOR OF TRANSPORTATION FOR MILL AND OVERLAY OF THE EXISTING ROADWAY, INCLUDING RESTRIPIING AND IMPROVING CURB RAMPS, ON WOLF CREEK STREET (COUNTY ROAD 230) FROM MCMAKEN LANE TO MARKET STREET, PLUS OR MINUS, WITHIN THE CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

In Old Business, Manager Wright reported he along with Chief Preston and Chief Nickel have a meeting scheduled with the Montgomery County Sheriff tomorrow to discuss several service related concerns that we've experienced over the last several months. We still do not have figures from Montgomery County on what it would cost the City to leave the Consolidated Emergency Communications Center. Those figures should be presented shortly.

Jane Brooks, of 557 W. Westbrook Road, expressed concern for the high interest rate and collection fee applied to assessments. Ms. Brooks stated she felt the interest rate needs to be reduced due to current interest rates being so low. Can Council reduce that rate?

Manager Wright stated Council has the authority to adjust the interest rate.

Finance Director/Clerk Keaton reported the 5% collection fee that the Montgomery County Auditor charges is for the administrative work they need to do to place an assessment onto the property tax bill for a period of five years and then to remove the assessment. This collection fee is authorized per the Ohio Revised Code. Finance Director/Clerk Keaton reported she reviewed the City's assessment file back to 1982 and found the City charged a 13% interest rate in 1982 and 1983. The interest rate was reduced in 1987 to 10% and in 1995 it was reduced to 8%. Finance Director/Clerk Keaton stated the City initially pays for the installation of sidewalk

and curb and if a property owner chooses to have the assessment placed on their property taxes, the City will not be reimbursed for these costs for six years and the interest rate for the next six years is unknown at this time.

Member Garber commented that this is an incentive to get a loan. The rates would be lower. Council can reduce the interest rate, but we are not forcing anyone to go the assessment route.

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



Sonja M. Keaton, Clerk



Ron Ullery, Vice Mayor

FISCAL OFFICER'S CERTIFICATE
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$71,700.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **Wolf Creek Street**, lying within the corporate limits of the City of **Brookville**, more particularly described as follows:

This project consists of the milling and overlaying of 3,380 feet of Wolf Creek Street from McMaken Lane to Market Street. Included in the project is restriping the roadway and improving the curb ramps to comply with the Federal/ODOT requirements, lying within the City of Brookville; and

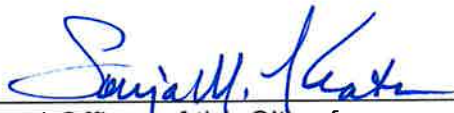
has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Brookville**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume _____, at Page Council Proceeding Book dated August 4, 2009

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said
fiscal officer, this 4th day of August, 2009.

(Fiscal Officer's Seal)
(If Applicable)



Fiscal Officer of the City of
Brookville, Ohio