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BROOKVILLE CITY COUNCIL
REGULAR MEETING
September 2, 2008

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on September 2, 2008 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Duncan, Garber, Letner, Reel and Ullery; Manager Wright, Assistant Manager Sewert, Law Director Stephan, Fire Chief Nickel and Director of Finance/Clerk Keaton were present. Police Chief Preston was absent.

Motion by Duncan, second by Garber to accept the Agenda with a deletion and additions. All yeas, motion carried.

Motion by Reel, second by Duncan to accept the August 19, 2008 Regular Meeting Minutes as presented. All yeas, motion carried.

Rhonda Risner Hanos gave a presentation on the Ohio Hospital Patient Projection Act of 2008. Ms. Hanos stated the Ohio registered nurses with the National Nurses Organizing Committee (NNOC) are calling for the "The Ohio Patient Protection Act." This legislation would establish minimum, specific numerical nurse-to-patient ratios for acute-care, acute psychiatric, and specialty hospitals, increase whistle blower protection for nurses who speak out about unsafe conditions, and give RNs both the legal duty and right to be patient advocates. Ms. Hanos stated that nurse-to-patient ratios have been enacted in California since 1999, and have been successful in improving patient care and bringing nurses back to the bedside. Ms. Hanos commented cutting the RN-to-patient ratio to 1:4 nationally could save as many as 72,000 lives annually and up to 20,000 preventable patient deaths each year can be linked to low RN staffing. Ms. Hanos stated there was a sample City Council Resolution in the packet that was previously distributed and asked Council consideration to prepare and adopt a Resolution that would support nurse-to-patient ratios and support the passage of the Ohio Patient Protection Act.

Fire Chief Nickel commented that if there is a shortage of registered nurses now, what is going to happen when the baby boomers get older and need these services.

Member Garber commented that he felt this is not Council's jurisdiction to tell other groups or organizations what to do, or to support their causes.

The general Consensus of Council is to allow Council to review the packet that was prepared by Ms. Hanos before making any decision on a Resolution.

Arlene Setzer, State Legislator of the 36th District, reported her term as State Legislator is coming to an end and she wanted to thank Council and the City Staff for their support during her term. Ms. Setzer thanked the City for providing her information over the years on what is going on in Brookville with copies of Council Minutes.

Mayor Seagraves stated State Representative Arlene Setzer has been a great asset to our community and thanked her for everything that she has done for the community.

Jean Lathrop, of 222 Maple Street, requested permission to hold a Block Party in the 200 block of Maple Street, from McKinley to Oak Street, on Saturday, September 27, 2008 from 5:00 to 8:00 p.m. Ms. Lathrop commented the 200 block of Maple Street will be turning 100 years old this year.

Motion by Duncan, second by Reel to allow a Block Party in the 200 block of Maple Street, from Oak to McKinley Street, on Saturday, September 27, 2008 from 5:00 to 8:00 p.m. as requested. All yeas, motion carried.

Ms. Lathrop thanked the Brookville Police Department for a fine job taking care of the problem in Ward Park.

Mike Oxner, of Professional Associates, distributed a map of Meadows of Brookville, Section Five to Council. Mr. Oxner requested partial vacation of this Section Five consisting of 30 lots.

Mr. Oxner indicated that the developer, Tim Taylor, received a large tax bill from the Montgomery County Auditor on 45 lots in Section Five. Mr. Oxner requested that the 30 lots be replatted to a single lot at this time and in the future, when market conditions warrant, it will be constructed as previously approved in the Preliminary Plat. Mr. Oxner stated Planning Commission recommended, at their August Planning Commission Meeting, that Council allow the replat. Mr. Oxner stated the developer has agreed to enter into an Agreement with the City that the project would be developed in the future as approved in the Preliminary Plat. It is delaying the situation so they can get some of the lots sold along Westbrook Road prior to doing any further work in the area behind Westbrook Road. There will be safeguards in place that this development will move forward as initially approved.

Member Reel asked what costs would there be to the City for replatting this area?

Law Director Stephan stated he does not have an exact cost, but it would be minimal. The Administrative Staff would have time in for reviewing the replat.

Member Garber stated all costs for this replat should be paid for by the developer.

Member Duncan inquired if we allow this, would this be setting a precedent for other developers.

Tim Taylor stated his development is the only development that has streets recorded but not constructed. Mr. Taylor stated the County Auditor shows a record plat with road improvements and lots.

Mr. Oxner stated by allowing this replat it would provide a temporary relief from the taxes.

Mr. Taylor stated it was his intent all along to do two phases in this development, but somewhere along the line it got recorded as one phase.

Member Duncan reiterated that all costs should go on the developer.

Motion by Garber, second by Ullery to authorize the replat of a portion of Meadows of Brookville, Section Five into a single lot as presented, to require an Agreement that the developer will be required to develop the replatted portion of Meadows of Brookville, Section Five in the future as approved in the Preliminary Plat and all costs, associated with the replat, is the responsibility of the developer. All yeas, motion carried.

Manager Wright reported the utility crews will be in this week to do their work on the Hill/Harshman Project. Manager Wright reported all of our underground is in. Manager Wright reported a new gas line will be installed and three poles will be moved. The project overall is progressing on schedule.

Manager Wright reported bids were recently opened for the "2008 Asphalt Resurfacing and Pavement Removal Project" and recommended that Council accept the lowest and best bid from Wagner Paving, Inc.

Motion by Garber, second by Ullery to accept the bid of \$75.25 per ton for approximately 1,680 tons of 448 Asphalt concrete overlay and \$1.50 per square yard for pavement removal for approximately 21,670 square yards, City keeps material, from Wagner Paving, Inc. for the "2008 Asphalt Resurfacing and Pavement Removal Project" as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported the repainting of our 404 fire hydrants is complete.

Manager Wright requested an Executive Session on a Real Estate and Personnel Matter.

Fire Chief Nickel commented the contractor did a great job on the hydrant painting.

Fire Chief Nickel presented the year-to-date Monthly Activity Report for the Brookville Fire Department, which shows medic runs are up considerably from this same time last year. Fire Chief Nickel stated the Fire Department has experienced 10-call days recently, which is significant activity for a department of this size.

Fire Chief Nickel requested Council approval for the Annual Fire Prevention Parade scheduled for October 4.

Assistant Manager Sewert also requested approval for the Kiwanis to hold their 5K Run on the morning of the Fire Prevention Parade, the same as last year.

Motion by Ullery, second by Letner to allow the Brookville Fire Department to hold their Annual Fire Prevention Parade on Saturday, October 4 beginning at 2:00 p.m. and to allow the Brookville Kiwanis to hold their 5K Run on Saturday, October 4 beginning at 9:00 a.m. All yeas, motion carried.

Fire Chief Nickel reported Ohio Task Force One was recently deployed to the Gulf coast area due to a recent hurricane that hit the area. They are currently on standby.

Law Director Stephan reported proposed Ordinance No. 2008-07, which is before Council tonight, is establishing a zoning classification on the recent annexation along E. Upper Lewisburg-Salem Road. Law Director Stephan reported Planning Commission recommended the zoning of R-1B, Urban Residential. Law Director Stephan commented R-1B is the zoning classification of the lots in the Hunters Run Subdivision, which is immediately south of these two lots.

Motion by Reel, second by Duncan to read proposed Ordinance No. 2008-07. All yeas, motion carried.

Motion by Garber, second by Cantrell to accept the first reading of proposed Ordinance No. 2008-07. All yeas, motion carried.

Mayor Seagraves set the Public Hearing on proposed Ordinance No. 2008-07 for Tuesday, October 7, 2008 at 8:00 p.m.

Finance Director/Clerk Keaton presented the August 31, 2008 Fund Balance for Council review and approval.

Motion by Duncan, second by Garber to approve the August 31, 2008 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton requested Council adopt proposed Resolution #08-26, which accepts the amounts and rates as determined by the Montgomery County Budget Commission. The adoption of this Resolution is a formal approval of the rates and yields for the inside millage for the City. This authorization is required by the Montgomery County Auditor in order to collect the City's real property tax and the reason for this to be adopted in an emergency manner is to insure timely return to the Montgomery County Auditor's Office by October 3, 2008.

Motion by Garber, second by Letner to read proposed Resolution No. 08-26. 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. 08-26 entitled "A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton reported she recently received notification that the Montgomery County Auditor's Office is in the process of mailing letters out to property owners regarding the new tentative property values resulting from this year's countywide reappraisal. Property owners should receive their letters over the next three weeks. Informal reviews will be held at 17 different locations throughout Montgomery County. The Clay Township Government Building is the nearest site for our residents and that meeting is scheduled for Thursday, October 2. To schedule an informal review, property owners should call 278-3800 after they receive their notices.

Mayor Seagraves had no report.

Motion by Reel, second by Duncan to read proposed Resolution No. 08-27. All yeas, motion carried.

Motion by Reel, second by Duncan to accept the first reading, dispense with the second and third reading and adopt Resolution No. 08-27 entitled "A RESOLUTION IN OPPOSITION TO THE PROPOSED VECTREN INCREASE IN DELIVERY RATES AND THE PROPOSED CHANGE IN THE RATE STRUCTURE, AND DECLARING IT AN EMERGENCY." Discussion followed.

Member Garber stated this is not Council's jurisdiction to rule on this. Member Garber commented that he would like to hear both sides of a story before making a decision.

Member Reel stated this proposed Resolution affects our taxpayers, which Council represents. This has an adverse effect when we can least afford it. There is no reason for Council to oppose adopting this Resolution.

The vote was taken on proposed Resolution No. 08-27 as follows, Reel yea, Duncan yea, Cantrell yea, Garber abstained, Letner yea, Ullery yea and Seagraves yea. Motion carried with six yeas and one abstention.


In New Business, Member Reel requested an Executive Session on a Real Estate Matter.

Motion by Duncan, second by Garber to go into Executive Session on a Real Estate Matter and Personnel Matter as requested by Manager Wright and a Real Estate Matter as requested by Member Reel. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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


Sonja M. Keaton, Clerk


David Seagraves, Mayor