

BROOKVILLE CITY COUNCIL
REGULAR MEETING
April 17, 2007

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on April 17, 2007 in the City Council Chambers. The pledge of allegiance was recited. Members Garber, Hanos, Reel and Ullery; Manager Wright, Assistant Manager Sewert, Police Chief Preston, Fire Chief Nickel, Law Director Stephan and Director of Finance/Clerk Keaton were present. Member Duncan was absent.

Motion by Reel, second by Garber to accept the Agenda with additions. All yeas, motion carried.

Motion by Reel, second by Garber to accept the April 3, 2007 Regular Meeting Minutes and the April 12, 2007 Special Meeting Minutes as presented. All yeas, motion carried.

Anna Lemons, of 260 Johnsville Brookville Road, stated she was here this evening to inform Council that she has a flooding problem in her yard. Mrs. Lemons indicated over the years her yard has flooded on several occasions when we experienced a heavy rainfall, but now it seems to happen every time it rains. Mrs. Lemons commented it flows through her yard like a river from the north and from the southwest, sometimes it measures 9" to 10" deep in places. Mrs. Lemons indicated that her yard drains out into the woods on the east side of the road. At times when the water is deep, it gets inside her heating ducts and they are not able to do their dishes, laundry or flush their toilets. Mrs. Lemons commented they were annexed into the City in 1987 and they still do not have sanitary sewer. Mrs. Lemons stated she has contacted several of her neighbors, and she indicated the majority of those homeowners are interested in tapping into the sanitary sewer system.

Manager Wright stated he looked at this concern several days ago. Manager Wright commented the Lemons' yard drains into a culvert that runs under the road to an 8" pipe on the east side of the road. The pipe, under the roadway, seems to be in good shape. There is just no where for the water to go once it drains into to the east side. An outlet needs to be found. Manager Wright stated it is the financial responsibility of the homeowners to connect to the City's sanitary sewer system. Manager Wright stated sanitary sewer currently does not run down Johnsville Brookville Road and with the layout of the land, it may require the installation of a lift station, which is quite costly. The homeowners are also responsible for disbanding their existing septic system. Manager Wright commented the City could have our Engineers take a look at the possibility of constructing a storm sewer along this stretch of roadway and also obtain costs associated with connecting into the City's sanitary sewer system.

Mayor Seagraves adjourned the Regular Meeting of Council at 8:00 p.m. for the Public Hearing, which is a combined meeting with Council and Planning Commission, on proposed Ordinance No. 2007-05, which rezones part of Lot #1575 of the revised and consecutive numbers of lots of the City of Brookville, Ohio from its present classification of "C" Conservation District to the new classification of "R-1B" Urban Residential District.

The Public Hearing was recorded and is on file with the Clerk at the City Offices.

Clerk Keaton advised a Legal Notice was published in the April 4 and 11 editions of the Brookville Star advising of the Public Hearing. The City Office did not receive any telephone calls nor did anyone come into the City Offices to review the proposed Ordinance. Clerk Keaton asked Law Director Stephan for a staff report.

Law Director Stephan stated this lot is the lot that the City is proposing to sell to Building By Design; this lot is being rezoned to R-1B. Law Director Stephan indicated the lot meets all of the R-1B requirements, it has adequate road frontage and adequate depth for all of the R-1B requirements. On the north side of the lot, there will be a 10' easement reserved for ingress and egress to Golden Gate Park. This is an amenity that Building By Design would like to assist the City in developing and they are also willing to work with the City on updating the bridge that crosses the creek there. Building By Design feels that this will be an amenity for the entire subdivision, so that anyone living in this subdivision would be able to walk into Golden Gate Park through that easement. This lot is presently zoned Conservation and is currently a part of Golden Gate Park. This lot will be used for residential development by Building by Design, the owner of Hunters Run Subdivision.

Motion by Hanos, second by Garber to close the Public Hearing. All yeas, motion carried.

Garnet Buckley, of 31 March Avenue, commented there is a large pot hole at the east end of Church Street.

Manager Wright reported asphalt plants are just opening up for the season and the City will begin street repairs shortly. Manager Wright reported the City recently replaced four catch basins and will replace three more soon. Manager Wright commented the Service Department has begun work in the parks with fertilizing, seeding and mowing. Street sweeping will continue as needed.

Manager Wright presented a request from the Brookville Baseball Club for their annual parade.

Motion by Reel, second by Hanos to approve the Opening Day Parade for the Brookville Baseball Club to be held on Saturday, May 5 beginning at 11:00 a.m. with the parade route to proceed from Carr Drive, right onto Albert Road, left onto Salem Street, left onto Market Street, right onto Wolf Creek Street, right onto Arlington Road and right onto East Upper Lewisburg-Salem Road to Golden Gate Park. All yeas, motion carried.

Manager Wright reported the underground storage tanks are being removed from the former BP Station.

Discussion was held on where to go from here on the empty building.

Assistant Manager Sewert stated he will contact the BP representative to find out what their plans are for the building and the lot and he will report back at a later date.

Fire Chief Nickel reported he researched the question presented by Member Duncan at the last Council meeting on the recent fire levy article that appeared in the Clay Township Newsletter. Fire Chief Nickel commented the article did state correct figures; they are the same figures that were reported in the City Newsletter. The wording was a little different, but the article was factual.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from April 3 to April 16, 2007. Police Chief Preston reported there were 235 calls for service in this time period. The number of reportable incidents are down 53 reports or 28% and total calls handled are down 311 or 14.3% from this same time last year. The average response time was 2.42 minutes.

Police Chief Preston reported the Brookville Police Department recently hosted a Maglocen conference which was attended by 65 participants.

Member Garber inquired how things were going with the regional Dispatch Center.

Mayor Seagraves reported the City recently received approval for funding of the radio equipment.

Manager Wright reported the City should be converted over to the Montgomery County Sheriff by the end of June. Manager Wright stated all of our Dispatch personnel will be going to the Montgomery County Sheriff and until the Dispatch Center closes, Chief Preston will be using police personnel to fill in the vacancies created in the Dispatch Center.

Law Director Stephan reported the three proposed Ordinances that were added to the Agenda, 2007-08, 2007-09 and 2007-10, are vacating streets in the NorthBrook Industrial Park for Project Eagle. Law Director Stephan indicated this is the first step in replatting and establishing a new roadway for Project Eagle. Law Director Stephan stated this is the legal action that is required to remove the streets and wanted to emphasize that no improvements will be removed until we close on Project Eagle.

Motion by Reel, second by Garber to read proposed Ordinance No. 2007-08. All yeas, motion carried.

Motion by Reel, second by Garber to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2007-08 entitled "AN ORDINANCE VACATING NORTHBROOK DR. IN THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Garber, second by Ullery to read proposed Ordinance No. 2007-09. All yeas, motion carried.

Motion by Reel, second by Garber to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2007-09 entitled "AN ORDINANCE VACATING PROGRESSIVE WAY IN THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Garber, second by Hanos to read proposed Ordinance No. 2007-10. All yeas, motion carried.

Motion by Hanos, second by Garber to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2007-10 entitled "AN ORDINANCE VACATING GATEWAY DR. IN THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY." All yeas motion carried.

Member Garber asked Law Director Stephan if he has had a chance to review proposed SB 117?

Law Director Stephan commented he has read a summary of the Bill. Law Director Stephan stated the proposed Bill deprives local governments of their cable/video franchising authority. Law Director Stephan commented he will research proposed SB 117 in more detail and report back.

Finance Director/Clerk Keaton announced that she was recently notified by the Division of Liquor Control that all permits to sell alcoholic beverages in the City of Brookville will expire on June 1, 2007. 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.

Motion by Ullery, second by Garber 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, 2007. All yeas, motion carried.

Finance Director/Clerk Keaton announced the City of Vandalia Income Tax representatives completed 93 local income tax returns at the City offices on March 30 and 31, compared to 65 returns in 2006. Finance Director/Clerk Keaton commented that the representative indicated that he enjoys coming over to Brookville to assist with local income tax returns, as the people are always very pleasant even though they are there for a not so pleasant reason.

Finance Director/Clerk Keaton reminded Council of the Special Meeting set for Monday, April 23 beginning at 7:30 p.m. to take action on the replat for NorthBrook Industrial Park and to interview Council candidates for the open Council seat.

Mayor Seagraves announced Planning Commission has a full agenda for their Thursday night meeting and everyone is welcome to attend.

Mayor Seagraves commended the Service Department for their hard work and efforts in keeping the parks in great shape.

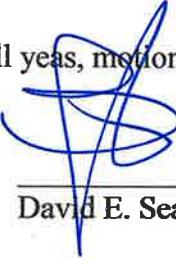
Mayor Seagraves reminded the public that the No Smoking enforcement is expected to begin May 3 and asked that people do not call their local police department. Please contact the Ohio Department of Health at the telephone number that is posted.

Motion by Garber, second by Ullery to read proposed Resolution No. 07-13. All yeas, motion carried.

Motion by Ullery, second by Garber to accept the second reading of proposed Resolution No. 07-13. All yeas, motion carried.

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


Sonja M. Keaton


David E. Seagraves, Mayor