

BROOKVILLE CITY COUNCIL
REGULAR MEETING
December 18, 2007

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on December 18, 2007 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Duncan, Garber, Hanos, Reel and Ullery; Manager Wright, Assistant Manager Sewert, Law Director Stephan and Director of Finance/Clerk Keaton were present. Fire Chief Nickel arrived later and Police Chief Preston was absent.

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

Motion by Duncan, second by Cantrell to accept the December 4, 2007 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves wished everyone in attendance a Happy Holiday season.

Dick Baker, representing the Brookville Optimist Club, requested permission to hold their 18th Annual Community Picnic Run on the streets of Brookville.

Member Garber asked if the runners could stay closer to the curb, especially at intersections. Member Garber stated he noticed in previous years, at the intersection of Westbrook and Wolf Creek that runners have taken a wide turn and he expressed concern for their safety.

Motion by Duncan, second by Hanos to approve the request for the Brookville Optimist to hold their annual Community Picnic Run on Saturday morning of the Community Picnic using the same course as in previous years. All yeas, motion carried.

Lionel Balcom, of 146 Ashmark Court, expressed concern over proposed Ordinance No. 2007-24, which prohibits residing in or occupying mobile homes, motor homes, recreational vehicles and trailers while parked on public streets in the City of Brookville. Mr. Balcom stated he felt the Ordinance was too strict and did not allow people the ability to sleep in their motor homes, or recreational vehicles while visiting their friends or relatives in the City of Brookville. Mr. Balcom commented before they built their home here in Brookville, he and his wife spent some nights in their motor home in front of their son's house. While visiting their son, they looked the town over and spent some money in Brookville. That is when they made the decision to move to Brookville. If they were not allowed to spend nights in their motor home while visiting their son, they probably would not be living here now. Mr. Balcom stated he feels the Ordinance should be written to allow a visitor or passing traveler the opportunity to spend a night or a day or two to visit and enjoy our community. Mr. Balcom stated maybe we can change the language to allow people the opportunity to reside in their motor home or recreational vehicle for a period not to exceed 72 hours.

Mayor Seagraves stated Council discussed this same issue previously and it was decided that if people were expecting guests to sleep over in their motor homes, they could call the Brookville Police Department ahead of time, and this will be permitted.

Fire Chief Nickel arrived.

Member Hanos stated she would like to see additional language written in the proposed Ordinance that allows for this.

Discussion continued with no action taken at this time.

Dave Rogers stated he was present on behalf of the Christmas Knights light display. Mr. Rogers reported the light display did not bring in the amount of money they anticipated and requested assistance from the City. Mr. Rogers asked if the City could pick up the Police Department overtime costs for the weekends of the light display? Mr. Rogers stated the City did save approximately \$2,500 by not having to install electrical lines in Golden Gate Park when the light display was relocated.

Member Garber inquired if there are any plans for a show next year.

Mr. Rogers stated at this time, he does not know. The groups will hold a meeting after the first of the year to review and discuss. Mr. Rogers stated he is just looking at the expenses right now.

Manager Wright commented that he and Director of Finance spoke today on this very issue. Manager Wright stated the Clubs will take a hit. Discussion was held on waiving the fee so money would not be taken away from the people of the community. Manager Wright stated the Police Department does not charge for other community events, such as the Brookville Community Picnic, Chamber of Commerce Spring Fling and Brookville High School Basketball and Football games.

Member Ullery and Member Duncan requested a report that details the total costs of the light display.

Mr. Rogers stated Brookville City Council will receive a copy once the report is completed.

Motion by Garber, second by Hanos to waive the reimbursement of the Police Department overtime costs for the Christmas Knights light display at Golden Gate Park for 2007 and to request a full accounting of all revenues and expenses for the 2007 light display. All yeas, motion carried.

Member Duncan asked who owns the materials and where will it be stored?

Manager Wright stated the Rotary, Optimist and Kiwanis Club's own the materials. The City did not provide any funding; the City did offer to store the materials.

Member Hanos stated she hopes that the Club's take and build on this light display for next year. The weather hampered a lot of people this year.

Manager Wright requested approval to enter into a two-year contract with the Montgomery County Animal Resource Center at a cost of \$10.00 per day for boarding of cats and \$11.50 per cat disposal in 2008 and \$11.25 per day for boarding of cats and \$11.50 per cat disposal in 2009. Manager Wright reported the letter states that the Animal Resource Center is also seeking to increase their adoption rate through public awareness education. Participating localities will be asked to promote responsible pet ownership and shelter adoptions in an official capacity such as an article in a municipal newsletter. In return, the Animal Resource Center will provide a \$15 credit for each cat adopted by a Brookville resident.

Motion by Garber, second by Cantrell to authorize Manager Wright to enter into the two-year Agreement with the Montgomery County Animal Resource Center as presented and recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported Council should have a copy of a letter from Griffiths-Vanden Bosch & Associates, Inc. in reference to the installation of sidewalks only along W. Westbrook Road from Arlington Road to Western Avenue. Manager Wright asked Council to review the letter and we will discuss further at the next Council Meeting.

Manager Wright reported Council should also have a copy of a Memorandum from Police Chief Preston on a three-day pedestrian count survey recently conducted by the Chief. The survey indicates that most of the children walk home after school versus to school in the mornings and it seems that the same four children walk down W. Westbrook Road through Westbrook Park with the remaining children walking down Western Avenue.

Manager Wright reported the Montgomery County Economic Development/Government Equity Advisory Committee recently recommended funding six projects with one of those projects being the Kitchen Solvers Building Restoration Project in the amount of \$75,000.

Mayor Seagraves stated there were limited resources this year. These six projects competed against nine projects.

Manager Wright read aloud a letter of appreciation from Sherry Wallace of Farmersville. The letter states she wanted to commend Patrol Officer John Hanson for his professionalism and concern shown toward her during a recent accident in Brookville and to the Brookville Police Department. Manager Wright stated we don't get these types of letters very often so it is nice to read a letter of this nature aloud. The letter has been placed in Officer Hanson's personnel file.

Mayor Seagraves commended Fire Chief Nickel and his department for their professionalism and quick response to a house fire this past weekend. With the weather conditions as they were, the fire could have easily spread to other homes and the Brookville Fire Department acted quickly to extinguish the fire.

Fire Chief Nickel apologized for arriving late. This was due to a family matter. Fire Chief Nickel commended his personnel for their job in fighting the house fire on Sunday. Fire Chief Nickel stated Brookville has good community servants.

Law Director Stephan had no report.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution No. 07-21, which allows an advance on taxes collected by the Treasurer of Montgomery County in 2008 for tax year 2007.

Motion by Reel, second by Garber to read proposed Resolution No. 07-21. 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. 07-21 entitled "A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES COLLECTED IN 2008 FOR TAX YEAR 2007, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to adopt proposed Resolution No. 07-22, which amends the 2007 Appropriations.

Motion by Duncan, second by Reel to read proposed Resolution No. 07-22. All yeas, motion carried.

Motion by Duncan, second by Reel to accept the first reading, dispense with the second and third reading and adopt Resolution No. 07-22 entitled "A RESOLUTION AMENDING THE 2007 APPROPRIATIONS, AS SET FORTH BELOW, PURSUANT TO SECTION 5705.40 OF THE OHIO REVISED CODE AND SECTION 12.35 OF THE OHIO ADMINISTRATIVE CODE AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Finance Director/Clerk Keaton requested Council approval to designate two of its Members to sit on the Volunteer Fire Fighters' Dependents Fund for 2008. For 2007, Member Duncan and Ullery were appointed to this Board. Finance Director/Clerk Keaton indicated both Members are interested in sitting on this Board again.

Motion by Garber, second by Hanos to appoint Members Duncan and Ullery to serve as the Legislative Board Members on the Volunteer Fire Fighters' Dependents Fund for 2008. Garber yea, Hanos yea, Ullery abstained, Reel yea, Duncan abstained, Cantrell yea and Seagraves yea. Motion carried with five yeas and two abstentions.

Finance Director/Clerk Keaton announced in 2006, Council adopted an Ordinance establishing a senior citizen or permanently and totally disabled 10% discount for water, sewer and refuse billing. One of the qualifications within the Ordinance states that the total household income does not exceed the total household income limit of the real property homestead exemption for the year in which the application is filed. In early 2007, the Ohio General Assembly eliminated the total household income threshold on the homestead exemption, so we must now amend our qualification on total household income and all reference to the homestead exemption credit.

Discussion followed.

The consensus of Council is to have Finance Director/Clerk Keaton report back at a later date the number of households in the City that currently receive the homestead exemption credit under this new law before a decision is made on how to amend.

Finance Director/Clerk Keaton announced an Ordinance fixing the rates for refuse customers has been prepared and is before Council for a first reading. The proposed Ordinance, once adopted, goes into effect with the April 2008 billing.

Motion by Garber, second by Cantrell to read proposed Ordinance No. 2007-25. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the first reading of proposed Ordinance No. 2007-25. Duncan yea, Garber yea, Hanos yea, Ullery yea, Reel nay, Cantrell yea and Seagraves yea. Motion carried with six yeas and one nay.

Finance Director/Clerk Keaton read aloud a letter sent by Time Warner Cable. The letter states that over the years their business has become increasingly competitive and as a result consumers have a variety of programming choices. The letter goes on to say that Time Warner Cable recently discovered that they are subject to "effective competition" as defined by the Federal Communications Commission(FCC). Time Warner Cable will file a petition with the FCC, which they have done. If the FCC determines that our franchise area is subject to effective competition, Time Warner Cable will be exempt from any rate regulation imposed.

Finance Director/Clerk Keaton reported the winter-edition of the City Newsletter were mailed out this week.

Finance Director/Clerk Keaton requested an Executive Session on Contract Negotiations.

Mayor Seagraves commented the City experienced a wonderful year, and that it is an honor to represent the City. Mayor Seagraves thanked the Staff and employees for all of their hard work. Mayor Seagraves expressed his appreciation to all of the city employees.

Mayor Seagraves commended Council Member Hanos for her term on Council. Mayor Seagraves stated that Council is going to miss her. Mayor Seagraves stated in some ways, Rhonda challenged us all. A round of applause was shown toward Council Member Hanos.

Mayor Seagraves wished all of the citizens a Happy Holiday season and thanked all of the Boards and Commissions for their commitment toward the City.

Mayor Seagraves excused himself from the Council Meeting, due to a prior commitment. Vice Mayor Ullery continued the meeting.

Motion by Reel, second by Duncan to read proposed Ordinance No. 2007-23. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the second reading of proposed Ordinance No. 2007-23. All yeas, motion carried.

Motion by Garber, second by Duncan to read proposed Ordinance No. 2007-24. All yeas, motion carried.

Member Reel inquired if should to take a look at this proposed Ordinance to see if we need to include language that allows visitors the opportunity to sleep in their motor homes, or recreational vehicles while visiting their friends or family members.

Member Garber stated he would also like to see additional wording within the Ordinance that provides the Police Department with a guideline.

Member Ullery stated let's not make this too difficult for the Police Department to enforce.

Motion by Reel, second by Garber to table the approval of the second reading of proposed Ordinance No. 2007-24 for additional review by the Law Director and Police Chief Preston. All yeas, motion carried.

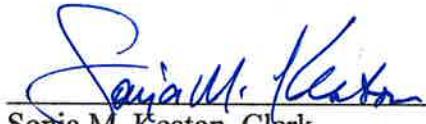
In New Business, Member Duncan commented with new Council Members and new Brookville School Board Members coming on board next year, and it has been awhile since we had a joint meeting between the two Boards, we should schedule a joint informational meeting some time after the first of the year.

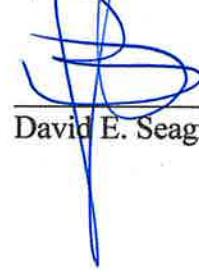
Motion by Duncan, second by Garber to request Clerk Keaton to send an invitation letter to each School Board Member for a joint meeting in early 2008 between Brookville City Council and Brookville School Board. All yeas, motion carried.

Motion by Duncan, second by Garber to go into Executive Session on a Contract Negotiation Matter as requested by Finance Director/Clerk Keaton. All yeas, motion carried.

Vice Mayor Ullery called Council back into Regular Session.

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


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor