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BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
February 6, 2007

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on February 6, 2007 in the City Council Chambers. The pledge of allegiance was recited. Members Duncan, Garber, Reel and Sanders; Manager Wright, Assistant Manager Sewert, Fire Chief Nickel, Police Chief Preston and Law Director Stephan were present. Director of Finance/Clerk Keaton arrived later and Members Hanos and Ullery were absent.

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

Motion by Duncan, second by Sanders to accept the January 16, 2007 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves thanked everyone for being here tonight on this snowy evening and explained that Council Member Ullery was on vacation and that Council Member Hanos and Director of Finance/Clerk Keaton were caught out in the heavy snowfall.

Jackie Burton, of 9384 Wengerlawn Road, addressed Council on a situation that occurred on January 14, 2007 when one of her family members became ill and she needed a medic. Mrs. Burton stated she had two concerns, one was the length of time it took a medic to arrive on her emergency and the other concern was the lack of communication in the Dispatch Center.

Police Chief Preston discussed the situation that occurred in detail and how the Dispatcher handles medic and back-up medic calls and the need to be very short on the telephone when dispatching emergency services, especially when there are only two 9-1-1 telephone lines that service more than 35,000 residents.

Fire Chief Nickel responded by explaining how the department is staffed.

Mrs. Burton stated there was some confusion on the family's part because they heard the sirens of the first medic and thought it was coming to their emergency, but it was going to another.

Mayor Seagraves stated Council did appreciate her concerns.

Manager Wright reported he and Director of Finance/Clerk Keaton recently met with a representative of Miami Valley Lighting, LLC on a new contract that would replace the existing Street Lighting Agreement that was previously adopted by Council last November. Manager Wright stated the new contract broadens the scope of the services provided by DPL Energy. The new contract states that DPL Energy will provide electric generation and transmission service options in addition to street light services. Manager Wright reported there are several key changes in the new contract. The term expiration date has been changed from December 31, 2012 to December 31, 2010. Individual full service fixture/pole prices will remain as they were as of December 31, 2006 throughout the term of the new agreement. A 4% discount on the community's total monthly street light bill will be applied in 2007. For 2008 through 2010, the discount level will be moved to 3%. Each community will have the option of reducing the number of full service lights leased by DP&L to the community by 1%. Each community will commit to two options for electric general and transmission service for each governmental metered service provided by DP&L through the four-year term of the Agreement. Manager Wright recommended Council authorize the new Street Lighting and Energy Services Agreement effective March 1, 2007.

Motion by Duncan, second by Seagraves to authorize Manager Wright to enter into a contract with Miami Valley Lighting, LLC, and DPL Energy Resources, Inc., DPL Inc. subsidiaries, d.b.a. DPL Energy (DP&L) for street lighting and electric generation and transmission supply services effective March 1, 2007 through December 31, 2010 as recommended by Manager Wright. Duncan yeas, Sanders yeas, Reel yeas, Garber abstained and Seagraves yeas. Motion carried with four yeas and one abstention.

Manager Wright reported Service Department personnel are working hard on removing the snow that we received earlier today from the roadways. Manager Wright commended the Service Department for their tremendous job. All roadways in Brookville will be in good condition and ready for the morning drive.

Manager Wright reported the City has experienced numerous water main breaks over the last few weeks, and the City crews have worked diligently repairing these leaks to alleviate disruption of water service. Manager Wright asked the citizens to please be patient during these water main breaks. Service will be restored as quickly as possible.

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

Member Garber inquired if the Emerald Ash Borer disease will affect the City in anyway.

Manager Wright stated the Staff has looked at this situation briefly and it should not be a major issue for the City as it will be for other communities who have an abundance of Ash trees. Manager Wright stated this disease is not in our area yet and the Staff will continue to monitor the situation.

Fire Chief Nickel left the Council Meeting on an emergency dispatch.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from January 16 to February 5, 2007. Police Chief Preston reported there were 371 calls for service in this time period. The number of reportable incidents are down 16 reports or 28.1% and total calls handled are down 70 or 10.1% from this same time last year. The average response time was 1.74 minutes.

Police Chief Preston reported longtime employee, Jeanine Buerkle, recently retired and he publicly thanked her for her long time tenure with the City of Brookville Dispatch Center and the professional job that she did for the Dispatch Center.

Member Sanders asked Police Chief Preston if a Police Officer could have been a first responder in the situation for Mrs. Burton?

Police Chief Preston commented that he did not have an officer available to respond that evening. Police Officers have responded in similar situations if they were available and they were not on a call and/or tied up.

Law Director Stephan reported proposed Ordinance No. 2007-01 is the final step in accepting the recent annexation of 96.688 acres to the City of Brookville. Law Director Stephan stated this annexation was approved by the Montgomery County Commissioners on November 16, 2006 and on November 20, 2006, the Clerk of the Board of County Commissioners of Montgomery County delivered a certified transcript of the annexation proceedings with the map and petition for annexation to the Clerk of the City of Brookville and 60 days from the date of filing with the Clerk of the City of Brookville have now elapsed in accordance with the provisions of the O.R.C. 709.04.

Motion by Duncan, second by Sanders to read proposed Ordinance No. 2007-01. All yeas, motion carried.

Motion by Duncan, second by Sanders to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2007-01 entitled "AN ORDINANCE ACCEPTING THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY CONTAINING 96.688 ACRES, MORE OR LESS, IN CLAY TOWNSHIP AND PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY." Sanders yea, Duncan yea, Reel yea, Garber nay and Seagraves yea. Motion carried with four yeas and one nay. The Ordinance passes as a non-emergency first reading of the Ordinance.

Assistant City Manager presented, for Director of Finance/Clerk Keaton, the January 31, 2007 Fund Balance for Council review and approval.

Motion by Duncan, second by Sanders to approve the January 31, 2007 Fund Balance as presented. All yeas, motion carried.

Mayor Seagraves thanked Manager Wright and Staff along with Park Board for a successful Skate Night that was recently held at Golden Gate Park.

Chairperson Watkins, of the Brookville Planning Commission, read the Planning Commission's recommendation that Council accept and adopt proposed Ordinance No. 2006-10, which amends Section 1151.04(e), Section 1151.05(b) and Section 1151.16 of the Code of Ordinances of the City of Brookville. All yeas, motion carried.

Motion by Reel, second by Duncan to read proposed Ordinance No. 2006-10. All yeas, motion carried.

Motion by Sanders, second by Reel to accept the second reading of proposed Ordinance No. 2006-10. All yeas, motion carried.

In Old Business, Member Garber thanked the Staff for the update on the former BP Station per the Memorandum Council received.

Manager Wright publicly thanked Jeanine Buerkle for her long employment with the City of Brookville. Manager Wright commented that he has worked with many dispatchers over the years, but Jeanine was one of our best and we will miss her. Manager Wright stated Jeanine was very professional when dispatching calls.

In New Business, Member Duncan commented after reading the Planning Commission Minutes, his only concern with the proposed Pines of Wolf Creek project, is that the units could possibly become rentals.

Law Director Stephan pointed out that the Declaration of Covenants and Restrictions states that owners of the units must be over 55 and that this age requirement will help prevent the units from becoming rental units. The Declaration of Covenants and Restrictions that the City received on this project is the best that the City has ever seen, and furthermore the Declaration of Covenants and Restrictions were tied to the Special Use approval.

The general consensus of Council Members present is that the Pines of Wolf Creek project won't be rentals and the 55 and over concept is good and is needed in the City of Brookville and this should be a good project.

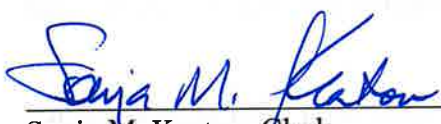
Motion by Duncan, second by Garber to go into Executive Session on a Real Estate Matter as requested by Manager Wright. All yeas, motion carried.

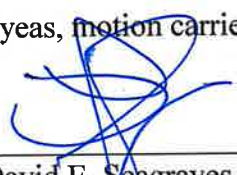
Director of Finance/Clerk Keaton arrived during the Executive Session.

Mayor Seagraves called Council back into Regular Session.

Motion by Duncan, second by Garber to authorize Manager Wright to negotiate and enter into options for the purchase of Lots 2279, 2281, 2283 and Part Lot 1758 in the City of Brookville, Ohio. All yeas, motion carried.

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

  
Sonja M. Keaton, Clerk

  
David E. Seagraves, Mayor