

**BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
January 16, 2007**

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:33 p.m. on January 16, 2007 in the City Council Chambers. The pledge of allegiance was recited. Members Garber, Hanos, Reel, Sanders and Ullery; Manager Wright, Assistant Manager Sewert, Fire Chief Nickel, Police Chief Preston, Law Director Stephan and Director of Finance/Clerk Keaton were present. Member Duncan was absent.

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

Motion by Sanders, second by Reel to accept the January 2, 2007 Regular Meeting Minutes as presented. All yeas, motion carried.

Dave Monnin, President of Park Board, distributed an aerial map of Golden Gate Park to Council. Mr. Monnin stated he appreciates Council allowing him to speak on behalf of Park Board. Mr. Monnin thanked Council for their support during the past year with the improvements that were made throughout Golden Gate Park, especially the pond. Mr. Monnin stated the upgrade to the pond has been one of his dreams for a very long time. Mr. Monnin expressed appreciation to all of the organizations and the City for their assistance with the parks over the years. Mr. Monnin stated another goal of Park Board is to develop the wooded area formerly known as Hollywood. Mr. Monnin commented Park Board would like to see the construction of walkways, bikeways and a nature sanctuary in this particular area, and requested Council approval to adopt a Resolution to allow for the submission of a Nature Works Grant that would assist Park Board in making this a reality. The construction of the walkways will go hand-in-hand with our walkable community.

Assistant Manager Sewert commented the reason for the emergency measure is to assure the timely submission of the NatureWorks Application, which is due February 1, 2007.

Member Sanders stated the developer of Hunters Run indicated he would construct a walkway from his development down to the bikeway when he presented his development for approval. We should hold him to that, that way we do not have to pay for that portion of the proposed project.

Motion by Hanos, second by Garber to read proposed Resolution No. 07-09. All yeas, motion carried.

Motion by Reel, second by Garber to accept the first reading, dispense with the second and third reading and adopt Resolution No. 07-09 entitled "A RESOLUTION AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE FROM THE NATUREWORKS PROGRAM, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Manager Wright reported he obtained figures for the pickup of curbside recycling on a bi-monthly basis, as Council requested. The monthly fee would be \$2,756.25 compared to the current monthly fee of \$3,675.

Mayor Seagraves stated he would like to continue with the current one-day per week pickup, he would like to see how this goes for several months and do another count to see where the participation level is.

Member Hanos commented she would also like to continue with the current one-day per week pickup, and try to obtain a grant for educational brochures to be distributed to our citizens to make them aware of the benefits of recycling.

Member Sanders stated he is still not in favor of increasing refuse rates. We could look at no increase if we can offset the proposed increase with a change in our recycling program.

Member Hanos stated she does not understand why we are getting recycling and refuse pickup confused; they are not the same. We need to inform our citizens of the benefits of recycling and then do another participation count.

Member Sanders stated he does not want to eliminate recycling entirely, he wants to continue recycling, but at a lower cost to eliminate the need for a refuse rate increase.

Member Reel stated he is not in favor of seeing a refuse rate increase if we have other recycling options.

Member Garber stated he is in favor of distributing information to our citizens and doing a recount.

Manager Wright reminded Council that recycling is a service, just as the yard bag program is a service and leaf pickup is a service, it all costs money. Recycling is not going to pay for itself. Manager Wright stated we need to do an education campaign and monitor participation.

Mayor Seagraves recessed 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. 2006-10, which amends Planned Development Sections 1151.04(e), 1151.05(b), and 1151.16 of the Code of Ordinances of the City of Brookville, Ohio.

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

Clerk Keaton advised a Legal Notice was published in the January 3 and 10-editions of the Brookville Star advising of the Public Hearing. The front office did not receive anyone in the front office nor any telephone calls on proposed Ordinance No. 2006-10. Clerk Keaton asked Law Director Stephan for a Staff Report.

Law Director Stephan stated proposed Ordinance No. 2006-10 addresses certain plan development procedures. It was designed to respond to concerns that were raised in the previous Public Hearing on the plan development overlay district, regarding approval of building designs and the length of time necessary to review new or amended building designs. The proposed Ordinance establishes the following procedure for building design approval. At the time of approval for a plan development residential subdivision, the applicant would submit a proposed set of building designs for approval. Those sets of building designs would be approved at that time. As the applicant applies for a building permit, for each individual lot, the Zoning Inspector would review the building permit application to determine the following items: that the building design is an approved design for the plan development, the Zoning Inspector would review the plot plan for the building and make sure that it complies with all applicable set back requirements and other applicable plan development requirements for that particular project, the Zoning Inspector would review the building design to determine that it does not violate the anti-monotony requirements of plan development, in particular he would look at abutting lots and verify that it is not the same building design as a building design already approved for an adjoining, or abutting lot, or any other dispersal that was approved as a part of the plan development by Planning Commission and City Council. Law Director Stephan stated if Planning Commission and Council require a certain number of building designs on a particular street and that was approved at the time of the plan development approval, the Zoning Inspector would make that determination at the time of issuing the building permit. The Zoning Inspector would be making those decisions at the time of issuing the building permit. If he denies the building permit, the applicant would have the right for an immediate appeal to Planning Commission at its next scheduled meeting to get a decision from Planning Commission as to whether the building design is appropriate for the lot. Law Director Stephan commented the second section to this proposed Ordinance addresses minor changes. Planning Commission may approve minor changes to the Planned Development which do not change the concept or intent of the development without going through the "preliminary approval" steps. Minor changes are defined as any change not defined as a major change. In Planned Development Overlay Districts, the addition of new building designs to a development or the amendment of previously approved building designs by the applicant shall be a minor change unless Planning Commission determines that the new designs are not compatible with the previously approved building designs. Law Director Stephan stated this would be a one-step process for Planning Commission to approve a new housing design. Law Director Stephan stated the third section has some new submission requirements for plan development proposals. Section 1151.16 is being amended to require submission of covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or

grants for public utilities, and the method of assuring perpetual maintenance of land to be used for common purposes. Law Director Stephan indicated the second addition is that all proposed building design for buildings in the planned development, including elevations of all four sides of the structure, basic floor plan, and proposed exterior building materials would have to be submitted at the time for plan development approval.

Member Hanos commented it sounds like what Law Director Stephan did was take the ambiguity out of it. It is more specific now.

Law Director Stephan stated he tried to take the ambiguity out of it and address some very specific concerns about building designs.

There were no citizens present who wished to speak at the Public Hearing.

Motion by Sanders, second by Reel to close the Public Hearing. All yeas, motion carried.

Member Sanders asked where do we go from here on recycling?

Manager Wright stated we will put the recycling campaign in place and then recount mid year.

Fire Chief Nickel reported the Brookville Fire Department has had a busy two weeks with 53 medic calls.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from January 2 to January 15, 2007. Police Chief Preston reported there were 234 calls for service in this time period. The number of reportable incidents are down 11 reports or 42.3% and total calls handled are down 28 or 10.1% from this same time last year. The average response time was 1.74 minutes.

Law Director Stephan reported the City is currently working with the Brookville School District on the streets and alleys around the former school site on Hill Street that were not properly vacated years ago. We are currently preparing an Ordinance, in emergency measure, to correct these issues, which will allow the school district to move forward with the sale of that property.

Finance Director/Clerk Keaton reported Council should have a copy of "The Audit Trail" a Newsletter of the Montgomery County Auditor's Office that displays an article that states data collectors from Tyler CLT have begun visiting neighborhoods as part of a state-mandated countywide data collection effort for the 2008 reappraisal. Ohio law mandates a visual appraisal of each parcel of property in the county once every six years. The information collected will ensure that the Auditor's property records contain the most up-to-date information, thus ensuring a fair and equitable reappraisal.

Finance Director/Clerk Keaton reported Time Warner Cable received notification that the America's Store (Digital Cable Channel 127) programming service will no longer broadcast its signal effective February 3, 2007.

Mayor Seagraves reminded everyone that the Community Skate Night will be this Saturday, 4:00 to 8:00 p.m., weather permitting.

Motion by Reel, second by Garber to read proposed Resolution No. 07-02 through Resolution No. 07-07. All yeas, motion carried.

Motion by Reel, second by Hanos to accept the first reading, dispense with the second and third reading and adopt Resolution No. 07-02 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE CITY MANAGER, AND DECLARING IT AN EMERGENCY", Resolution No. 07-03 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE ASSISTANT CITY MANAGER, AND DECLARING IT AN EMERGENCY", Resolution No. 07-04 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FINANCE/CLERK OF COUNCIL, AND DECLARING IT AN EMERGENCY", Resolution No. 07-05 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF FIRE, AND DECLARING IT AN

EMERGENCY", Resolution No. 07-06 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF POLICE, AND DECLARING IT AN EMERGENCY", and Resolution No. 07-07 entitled "A RESOLUTION ESTABLISHING THE COMPENSATION OF THE DIRECTOR OF LAW, AND DECLARING IT AN EMERGENCY". All yeas, motion carried.

Motion by Garber, second by Ullery to read proposed Resolution No. 07-08. All yeas, motion carried.

Motion by Reel, second by Ullery to accept the first reading, dispense with the second and third reading and adopt Resolution No. 07-08 entitled "A RESOLUTION OF INTENT TO PARTICIPATE IN FURTHER EXPLORATION AND STUDY REGARDING A CONSOLIDATED DISPATCH SYSTEM IN MONTGOMERY COUNTY, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

In Old Business, Member Hanos commented she recently read a Letter to the Editor in the Brookville Star about the fountains and pond at the intersection of Arlington and Upper Lewisburg Salem Roads. Member Hanos inquired how they can be allowed to remove their fountains; wasn't that a part of the proposal they submitted for approval and isn't there an Association in place to oversee the pond and fountain?

Law Director Stephan stated currently there is only one member in the Association for the commercial development, so at this time, the developer is responsible for the pond and the fountains. Law Director Stephan stated he understood, from the same Letter to the Editor, that the developer is having problems with the fountains due to dirt runoff from the development. Law Director Stephan stated there is no requirement for fountains in a storm detention area in our Subdivision Regulations.

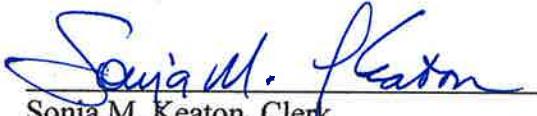
Member Sanders commented the developer showed this as part of the plan, and now we allow them to ease off. Maybe they should plant more grass for dirt control.

Assistant Manager Sewert commented that he can speak with the developer about Council's concerns. The developer never informed the City he was turning the fountains off. The bank probably received numerous inquiries and asked the developer to clarify.

Member Reel asked if there is any news on the former BP Station?

Assistant Manager Sewert stated no.

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

  
Sonja M. Keaton, Clerk

  
David E. Seagraves, Mayor