

BROOKVILLE CITY COUNCIL
REGULAR MEETING
July 17, 2007

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

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

Motion by Duncan, second by Garber to accept the July 3, 2007 Regular Meeting Minutes as presented. All yeas, motion carried.

Tawana Jones, of the Montgomery County Community Development Office, gave a brief overview of the programs that are federally funded by the Department of Housing and Urban Development (HUD) through their office. One of the programs that is administered annually is the Community Development Block Grant, which receives approximately \$2 million of funding each year to provide infrastructure improvements, economic development, and physical and housing improvements, just to name a few. The City of Brookville will be a recipient of this funding for Fiscal Year 2007. Ms. Jones distributed the Fiscal Year 2007 Action Plan that displays 24 projects that will be funded by HUD.

Assistant Manager Sewert presented a \$35,000 check to the President and Treasurer of the Brookville Historical Society who were present. This check represents the amendment that added the additional contingency funding to bring the total to \$75,000, which represents 100% of the funding requested for the Historic Preservation/Acquisition Project for the Brookville Historical Society during the Fiscal Year 2006 Community Development Action Plan.

David Monnin, President of Park Board, requested Council adopt legislation to address dog defecation in our parks. Mr. Monnin commented that this has become a serious problem in our parks.

Mr. Monnin was informed that a proposed Ordinance was on the Agenda for a first reading tonight.

Eric Haupt, of 829 Flanders Avenue, requested permission to block off Randy Sue Court, from Shaney Lane to the circle, on Saturday, August 18 from 6:00 to 9:00 p.m. for their annual block party.

Motion by Duncan, second by Garber to allow Randy Sue Court to be blocked off on Saturday, August 18 from 6:00 to 9:00 p.m. for a block party as requested. All yeas, motion carried.

Manager Wright did not have a report, but requested an Executive Session on a Real Estate Matter.

Member Garber requested an update on the Payless Project.

Manager Wright reported on the private side, the pad is completed and the footer is being poured at this time. On the public side of the project, the curb for the new roadway has been installed. The new roadway should be installed soon. The project at this point is ahead of schedule.

Manager Wright reminded everyone of the Brookville Community Picnic scheduled for July 27, 28 and 29.

Fire Chief Nickel reported on Monday, the City switched over to MED3000 for EMS billing.

Fire Chief Nickel reported the Brookville Fire Department recently responded to two fires.

Fire Chief Nickel reported the new 800 MHz radios are going well. The MDT's are scheduled to be installed next week.

Police Chief Preston presented a Brookville Police Department Incident Log by Date Report and reported since July 2 the Brookville Police Department has had 21 new cases with 15 of those cases closed and six pending further investigation. Police Chief Preston stated that this report does not contain the Incident List and Time Analysis report because this information is not available at this time due to switching over to the Montgomery County Dispatch Center.

Police Chief Preston reported the Brookville Police Department was recently awarded a Polaris All Terrain Vehicle by Judge James Cannon, Montgomery County Area One Court. This vehicle was recovered when the Brookville Police Department assisted several other agencies in a multiple county task force in 2006. Police Chief Preston announced this ATV will be used during parades and promotional events. This ATV will not be used for enforcement purposes.

Police Chief Preston announced the emergency callbox has been replaced and is working well. We experienced static and difficulty hearing when it was first installed.

Law Director Stephan stated proposed Ordinance No. 2007-17 was prepared per Park Board's request at their recent meeting. The ordinance requires the owner or person in control of such animal immediately, and before taking the animal from the area where the defecation occurred, to clean the area and remove the feces and dispose of it in a sanitary manner in a proper receptacle. The ordinance also reads that no person being the owner or person in control of any animal shall permit the accumulation of defecation upon the property where the animal is kept. The owner or person in control of the animal shall maintain the property where the animal is kept in a clean and sanitary condition by regular removal of defecation of such animal in a properly sealed sanitary receptacle. Whoever violates this ordinance is guilty of a minor misdemeanor that carries a fine up to \$150.

Vice Mayor Ullery 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. 2007-16 which rezones Lots 2176, 2177 and part of Lot 2173 of the revised and consecutive numbers of lots of the City of Brookville, Ohio from its present classification of "I-2" General Industrial District, to the new classification of "HS" Highway Service District.

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 June 27 and July 4 editions of the Brookville Star advising of this Public Hearing. Certified letters were mailed to three property owners that were within a 200' radius of the lots that are being rezoned. The City Office did not receive any telephone calls nor did anyone come into the Municipal Office to review the proposed Ordinance.

Law Director Stephan stated the hearing is to consider rezoning of three lots along the north side of West Campus Blvd. from industrial use to highway service use. The lots on the south side of West Campus Blvd. are currently zoned Highway Service. This rezoning ordinance would put highway service use on the north side of West Campus Blvd. This rezoning request is from the property owner, RJ Property Holdings, LLC, which is managed by Joe Walker.

There was a question from the audience on what uses are available in the Highway Service District?

Law Director Stephan stated the primary highway service uses are restaurants, gas stations and hotels. Retail is a Special Use, which requires approval by the Brookville Planning Commission.

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

Discussion continued on proposed Ordinance No. 2007-17. Police Chief Preston stated in order to process a complaint, the witness will have to provide a written statement with a signature.

Member Cantrell suggested the City post signs in all of the city parks to let people know of this new ordinance once it is adopted.

Motion by Reel, second by Cantrell to read proposed Ordinance No. 2007-17. All yeas, motion carried.

Motion by Reel, second by Duncan to accept the first reading of proposed Ordinance No. 2007-17. All yeas, motion carried.

Law Director Stephan reported at the June Planning Commission Meeting, Planning Commission approved the Final Plat for Golden Gates Estates, Section Four that included the Protective Covenants and Restrictions for this particular section. Law Director Stephan requested Council approval for the Final Plat and Final Planned Development Plan for Golden Gate Estates, Section Four once Council approves and adopts proposed Ordinance No. 2007-12, which rezones the lots in Golden Gate Estates, Section Four.

Motion by Garber, second by Reel to read proposed Ordinance No. 2007-12. Garber yea, Reel yea, Duncan yea, Cantrell abstained, and Ullery yea. Motion carried with four yeas and one abstention.

Motion by Garber, second by Duncan to accept the third reading and adopt Ordinance No. 2007-12 entitled "AN ORDINANCE REZONING LOTS 2267-2272 OF THE REVISED AND CONSECUTIVE NUMBERS OF LOTS OF THE CITY OF BROOKVILLE, OHIO, FROM ITS PRESENT CLASSIFICATION OF "R-1B" URBAN RESIDENTIAL DISTRICT, TO THE NEW CLASSIFICATION OF "R-2(PD)" URBAN RESIDENTIAL PLANNED DEVELOPMENT OVERLAY DISTRICT." Garber yea, Reel yea, Duncan yea, Cantrell abstained, and Ullery yea. Motion carried with four yeas and one abstention.

Motion by Garber, second by Duncan to approve the Final Plat and Final Planned Development Plan for Golden Gate Estates, Section Four, as presented with the Restrictive Covenants and Restrictions for this section to be filed with the Final Plat, contingent on City Manager Wright's and City Engineer Schroeder's final review and approval of the Construction Drawings, all proper permits being completed and a Performance Surety shall be posted to meet the requirements of the Brookville Design Criteria and Subdivision Regulations. Cantrell abstained, Duncan yea, Reel yea, Garber yea and Ullery yea. Motion carried with four yeas and one abstention.

Finance Director/Clerk Keaton announced she received notification from our health insurance broker, McGohan Brabender, that United HealthCare accepted our request to reconsider the monthly rates on our health insurance renewal. Finance Director/Clerk Keaton requested Council approval to accept the reduced monthly health insurance rates.

Motion by Cantrell, second by Reel to accept the United HealthCare of Ohio, HRA Choice Plus Plan RQ-A with the MM prescription plan at a revised monthly rate of \$314.77 per single employee; \$629.54 per employee & spouse; \$613.80 per employee & children; and \$975.79 per family for health insurance. All yeas, motion carried.

Vice Mayor Ullery did not have a report.

Motion by Duncan, second by Garber to read proposed Ordinance No. 2007-11. All yeas, motion carried.

Motion by Duncan, second by Garber to accept the third reading and adopt Ordinance No. 2007-11 entitled "AN ORDINANCE ZONING LOT 2529 OF THE REVISED CONSECUTIVE NUMBER OF LOTS OF THE CITY OF BROOKVILLE, OHIO TO A NEW CLASSIFICATION." All yeas, motion carried.

In Old Business, Member Duncan stated he heard on the news that Greenville Township and the City of Greenville have not reached a new fire contract and it looks like Greenville Township may organize their own volunteer fire department.

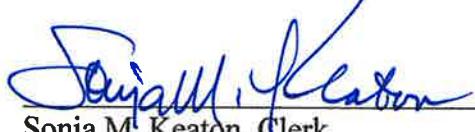
Motion by Duncan, second by Garber to go into Executive Session on a Real Estate Matter as requested by Manager Wright. All yeas, motion carried.

Vice Mayor Ullery called Council back into Regular Session.

Law Director Stephan requested Council authorization to enter into a Purchase Agreement to purchase the property at 176 Mulberry Street.

Motion by Duncan, second by Reel to authorize Manager Wright to enter into a Purchase Agreement to purchase the property at 176 Mulberry Street at an agreed price. All yeas, motion carried.

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


Sonja M. Keaton, Clerk


Ron Ullery, Vice Mayor
David E. Seagraves, Mayor