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BROOKVILLE CITY COUNCIL
REGULAR MEETING
June 19, 2007

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on June 19, 2007 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, Garber, Hanos, Reel 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 Reel, second by Hanos to accept the Agenda with additions. All yeas, motion carried.

Motion by Reel, second by Cantrell to accept the June 5, 2007 Regular Meeting Minutes as presented. All yeas, motion carried.

Kathy Glover, of 3 Hull Court, requested permission to block off Hull Court on Friday, July 13, 2007, from 9:00 a.m. to 1:00 p.m. for a Fundraiser that her Home Away from Home Daycare is holding for St. Jude. A tike track will be set up on Hull Court and those participating are to obtain sponsors for the Fundraiser.

Motion by Hanos, second by Cantrell to allow Hull Court to be blocked off on Friday, July 13, 2007 as requested. All yeas, motion carried.

Mayor Seagraves administered the Oath of Office to Fire Department personnel, Brittany Wagner, Chad Ferguson and David Schmitt.

Manager Wright requested Council authorization to advertise for bids for the annual repaving of city streets.

Motion by Garber, second by Reel to allow Manager Wright to advertise for bids for the Annual Repaving Program as requested by Manager Wright. All yeas, motion carried.

Manager Wright reported we are scheduled to convert to the Montgomery County dispatch system on June 28, 2007. The Brookville Dispatch Center will close at midnight on that day. The 800 MHZ radios are being installed in the police and fire vehicles at this time.

Manager Wright reminded Council of the official groundbreaking for Payless ShoeSource at 10:00 a.m. this Thursday. Manager Wright reported the NorthBrook Expansion Project is on schedule. The storm and sanitary are installed. The waterline will be installed next week.

Manager Wright reported the City is in the process of removing the Sterling Meadows lift station on Meadow Glen Avenue. This was made possible by the installation of a gravity sewer that was extended last year to the north. Manager Wright stated it is always good news to be able to eliminate lift stations.

Fire Chief Nickel reported on June 7 the City experienced its first fatal fire in 31 years. Fire Chief Nickel stated he is extremely proud of his Department. They did an exemplary job in fighting the fire. Fire Chief Nickel thanked the Brookville Police Department and Service Department for their assistance during and after the fire. Fire Chief Nickel thanked the citizens of Brookville, especially the neighbors for their assistance in providing water and support to the Fire Department, and to the other departments that provided mutual aid to fight the fire.

Fire Chief Nickel reported the Brookville Fire Department extinguished a barn fire on June 11 in Perry Township.

Mayor and Council expressed their appreciation for the fine job the Fire Department did during the recent fatal fire and also thanked the Police and Service Departments for their assistance.

Mayor Seagraves commended Dispatcher Mitrison for her commendable work in the Dispatch Center during the recent fatal fire.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from June 5 to June 18, 2007. Police Chief Preston reported there were 254 calls for service in this time period. The number of reportable incidents are down 61 reports or 20% and total calls handled are down 376 or 10.9% from this same time last year. The average response time was 1.53 minutes.

Police Chief Preston reported the Police Department provided on-site training to those employees of the various establishments that sell alcoholic beverages about selling alcohol to underage individuals.

Law Director Stephan presented a brief overview of proposed Ordinance No. 2007-16 that is before Council tonight for a first reading. Proposed Ordinance No. 2007-16 rezones Lots 2176, 2177 and part of Lot 2173 from its present zoning classification of "I-2" General Industrial District to the new classification of "HS" Highway Service District. Law Director Stephan stated these outlots are along West Campus Blvd. and south of the Payless site.

Motion by Garber, second by Ullery to read proposed Ordinance No. 2007-16. All yeas, motion carried.

Motion by Reel, second by Garber to accept the first reading of proposed Ordinance No. 2007-16. All yeas, motion carried.

Mayor Seagraves set a Public Hearing on proposed Ordinance No. 2007-16 for July 17, 2006 at 8:00 p.m.

Finance Director/Clerk Keaton requested Council appoint Kelly Kopf to fill the open seat on the Board of Zoning Appeals.

Motion by Garber, second by Cantrell to appoint Kelly Kopf to fill the open seat on the Board of Zoning Appeals as recommended by Finance Director/Clerk Keaton. All yeas, motion carried.

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. 2007-12, which rezones Lots 2267-2272 of the revised and consecutive numbers of lots of the City of Brookville, Ohio in the Golden Gate Estates, Section Three Subdivision, from its present classification of R-1, Urban Residential District to the new classification of R-2(PD) Urban Residential Planned Development Overlay District.

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

Clerk Keaton advised a Legal Notice was published in the May 30 and June 6 editions of the Brookville Star advising of this Public Hearing. 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 this is a rezoning from R-1B, which is single-family, to R-2(PD), which will be two-family, zero lot line dwellings. The proposed planned development meets all of the site development regulations for the R-2 zoning district and specifically the criteria set forth in Section 1163.03(b)(36) of the Codified Ordinances for zero lot line residences. The proposed covenants provide for the following site development criteria, minimum floor area will be 1,700 square feet with a front yard setback of 30', rear yard setback of 30' and side yard setbacks of 20' between buildings. The proposed development does have specified building materials. At least 75% of the surface area must be composed of masonry materials. Other permitted exterior materials will be cedar or natural wood materials. Vinyl would be prohibited in this development.

Clerk Keaton asked if any Council Member needed to abstain from discussion during this Public Hearing?

Member Cantrell abstained.

Clerk Keaton administered the Oath of Witness to those individuals who wished to participate in the Public Hearing.

Kevin Harshberger, Majority Member of Golden Gate Development III, stated Golden Gate Estates, Section III consists of 13 single-family residential home lots, with seven lots on the north side of Golden Maple Drive and six lots on the south side of Golden Maple Drive. Currently two houses are built and another home is under construction. Mr. Harshberger stated that Golden Gate Estates is surrounded by condominiums, patio homes and a large tract of land zoned R-3 to the north. Mr. Harshberger commented he is proposing to create 10 two-family home lots with the construction of five structures with upper scale housing with a price point above \$200,000 for each side. Mr. Harshberger commented that what he is proposing to do is to rezone that section to R-2, and call it Section IV. Mr. Harshberger stated the target market he has are for families that are used to larger homes that are looking to downsize and minimize maintenance hassles. Mr. Harshberger stated it seems we have been in a depressed housing market and he felt this was a logical solution. Mr. Harshberger described some of the Protective Covenants that were previously described by Law Director Stephan. Mr. Harshberger stated several meetings and discussions have been held with the surrounding homeowners in Golden Gate Estates. Section IV will provide monetary support to the current Golden Gate Home Owners Association. Mr. Harshberger stated that he has agreed to work with the current Golden Gate Home Owners Association to revise covenants in Section III. Mr. Harshberger displayed four pictures of models that they are intending to construct. Mr. Harshberger stated in summary the concept that he is proposing fits the surrounding area, they are very high quality homes, they support the current Golden Gate Home Owners Association, they have architectural controls, they offer maintenance free living, and in his opinion, they will set the standard for the R-3 property to the north.

Tom Stachler, of 612 Golden Meadows Avenue, stated he moved into the Golden Estates development a little over a year ago and he really like the development basically the way it was. Mr. Stachler commented that he can understand the gentleman's concern for his property and the downturn in residential sales and his turn away from single-family homes, which is what the development was meant to have, and because of the downturn of real estate property, he has now changed his plans. Mr. Stachler indicated he did not feel that this will help his property values or those other single-family homes in the area.

Mr. Harshberger commented that the Restrictive Covenants in Golden Gate Estates, Section III allows homes that may not be desirable to the people that are currently living there. The twin homes would have a much higher cost per square foot. The south side of Golden Maple will continue to be single-family homes. Mr. Harshberger asked if these lots are not sold and they don't get developed, does that help your value or does it go down?

Tom McCoy, stated he is currently working with four people that are interested in building in that \$200,000 price range and over. That means that two of the units would already be sold, with customers on each side.

Mr. Harshberger stated the economy affects things, but in no way shape or form is he trying to put something undesirable in back there. Mr. Harshberger stated that he is trying to develop something that suits the surrounding area that is a higher quality, and that they would enjoy walking in front of.

Bonnie Reedy, of 919 Golden Beech Drive, commented that these are zero lot lines and they are not doubles. They are single-family on each side. She wanted to make sure that people were aware that these are not doubles.

Mr. Stachler asked if anyone knew what the condos are going for in Golden Gate Estates?

Treva Price, of 867 Dorothy Lane, stated she lives in half of a double, and their condos are going for approximately \$159,900 right now. They are 1,800 square feet inside and 400 square feet in the garage. Some are much smaller. They have lawn care, snow removal and they pay \$100 a month dues that cover all expenses. Ms. Price stated she happens to know that the other association has the same bylaws that her association has, because she provided them. One of the rules states that you cannot rent at any time. It is not allowed. Ms. Price stated it is her opinion that the four home designs that were presented tonight would blend in with the surrounding community.

Law Director Stephan defined what a zero lot line is. Law Director Stephan stated there is a lot line that runs through the center of the building. There is no setback in the center of the building. Each side sits on a separate legal lot. They will be selling each unit separately.

Member Garber stated with this planned development proposal we can require certain exterior building materials, which they are complying, where if we reject this proposal, it would remain R-1B and other building materials could be used.

Law Director Stephan stated he is currently reviewing Section III Covenants and Restrictions right now, as the developer would like to amend those to specify permitted materials in Section III. It appears to him right now, that Section III Covenants and Restrictions do not prohibit certain building materials.

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

Motion by Garber, second by Ullery to read proposed Ordinance No. 2007-14. 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. 2007-14 entitled "AN ORDINANCE LEVYING ASSESSMENTS FOR THE CUTTING AND REMOVAL OF WEEDS, VINES, GRASS AND/OR OTHER VEGETATION DURING THE YEAR 2006 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. 2007-15. All yeas, motion carried.

Motion by Reel, second by Cantrell to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2007-15 entitled "AN ORDINANCE LEVYING AN ASSESSMENT FOR THE INSTALLATION OF A REPLACEMENT WATER LINE AND A METER PIT ASSEMBLY ON THE SALEM STREET, PHASE III PROJECT IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

In Old Business, Member Hanos inquired on the status of The Pines of Wolf Creek Subdivision.

Manager Wright stated he has not seen anything yet.

Assistant Manager Sewert commented that a meeting has been set with the developer to discuss the rolled curb issue along with other items.

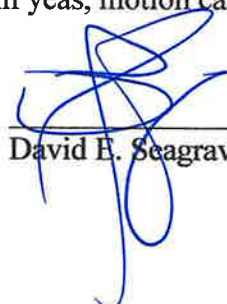
In New Business, Member Garber requested an Executive Session on a Personnel Matter.

Motion by Ullery, second by Garber to go into Executive Session on a Personnel Matter as requested by Member Garber. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

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


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor