

BROOKVILLE CITY COUNCIL
REGULAR MEETING
May 1, 2007

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on May 1, 2007 in the City Council Chambers. The pledge of allegiance was recited. Members Duncan, Garber, Hanos, Reel and Ullery; Manager Wright, Assistant Manager Sewert, Police Chief Preston, Law Director Stephan and Director of Finance/Clerk Keaton were present. Fire Chief Nickel arrived later.

Motion by Duncan, second by Reel to accept the Agenda with additions. All yeas, motion carried.

Motion by Ullery, second by Garber to accept the April 17, 2007 Regular Meeting Minutes and the April 23, 2007 Special Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves thanked the seven citizens that submitted letters of interest and were interviewed for the vacant Council seat. Mayor Seagraves announced Margo Cantrell was selected to fill the vacant Council seat through this interview process.

Motion by Hanos, second by Garber to appoint Margo Cantrell to fill the unexpired term of Dean Sanders as Council Member through December 31, 2007. All yeas, motion carried.

Law Director Stephan administered the Oath of Office to the newly appointed Council Member, Margo Cantrell, who took her seat on Council.

Law Director Stephan reported Mr. Greg Barney of Newmark Homes, is before Council tonight to request Final Plat approval for The Pines of Wolf Creek, Section One. Law Director Stephan stated the Final Plat complies with the Preliminary Plat and the Special Use approval that was granted by Planning Commission for zero lot lines. Law Director Stephan commented that this will be a 55 and older community.

Mr. Barney displayed the Preliminary Plat and the Final Plat maps for Council. Mr. Barney indicated this development will have a Homeowners Association for snow removal and maintenance of the yards.

Chief Nickel arrived.

Mr. Barney indicated there will be a 25' conservation buffer easement on those lots to the north that will be in Section Two. Mr. Barney stated the duplexes will be constructed of brick and fiber cement and individualized.

Law Director Stephan stated that at the April Planning Commission Meeting, Mr. Barney requested two variances on the Final Plat approval. One variance was to construct a 5' sidewalk on the perimeter of the street only and the other variance was for the installation of rollback curbs versus chairback curbs. Law Director Stephan stated Planning Commission approved the Final Plat with a variance to allow rollback curbs but the developer is required to install 4' sidewalks on both sides of the street.

Member Hanos asked Mr. Barney if he has looked at low impact development?

Mr. Barney stated he has not; he did speak briefly with Mr. McCoy. Mr. Barney indicated he is not interested in installing pavers as they can be quite expensive.

Member Reel inquired on the price range of the duplexes.

Mr. Barney stated the duplexes will range from 1,500 to 2,300 square feet, with costs between the upper \$150,000 to \$210,000.

Manager Wright stated he is not in favor of rollback curbs. They are not in our Construction Standards.

Discussion continued on the pros and cons of rollback curbs and one 5' sidewalk versus two 4' sidewalks.

Motion by Garber, second by Ullery to approve the Final Plat for The Pines of Wolf Creek, Section One, as presented with a variance to allow for low profile rollback curbs and to require 4' sidewalks on both sides of the street, 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. Garber yea, Hanos yea, Ullery yea, Reel yea, Duncan nay, Cantrell yea and Seagraves yea. Motion carried with six yeas and one nay.

Police Chief Preston recognized John Hanson as "Officer of the Year" for 2006, due to his good work ethic and his dedication to the Brookville Police Department. Police Chief Preston stated Patrolman Hanson is a great asset to the Police Department and he sets examples for the new officers.

Manager Wright presented a request to block off Wall Street from Hay Street to the first alley for a large sale on May 12, 2007 beginning at 9:00 a.m. for several hours.

Motion by Garber, second by Duncan to allow Wall Street to be blocked off from Hay Avenue to the first alley on May 12, 2007 as requested. All yeas, motion carried.

Manager Wright presented the 2007 Water and Sewer Rate Survey prepared by the City of Oakwood. Manager Wright stated the report shows Brookville as the 28th lowest out of 64 jurisdictions on the combined water and sewer rates. On the water rate survey, Brookville ranks 58th highest out of 68 jurisdictions and on sewer rates, Brookville ranks 6th lowest out of 64 jurisdictions. Rates are based on 3,000 cubic feet of water in a three-month period.

Manager Wright reported he just received a report from City Engineer Schroeder on the storm issues on Johnsville-Brookville Road, which were distributed to Council. Manager Wright stated that he and City Engineer Schroeder walked through the area and reviewed the concerns expressed at the previous Council Meeting. Manager Wright reported the culvert under the road showed that it was half full, meaning that there is room available for more flow. Typically culverts are designed for 10-year full flow capacity and 25-year roadway overtopping capacity. From the picture that was provided, a lot of capacity is available. The report indicates that the outlet on the other side of the road is a swale through the woods heading east. The report indicates that there is not an option to lower the outlet to allow the pipe to be lowered. The report states that it appears from field observations and from pictures provided by the homeowner that the residences are lower than the road and also lower than the top of the culvert. Manager Wright commented that the house was built in the lowest spot; it should not have been allowed to be built at that elevation. Manager Wright stated that nothing has changed in this drainage area recently to make this situation any worse. The report goes on to state, since the culvert is not fully utilized, and the outlet cannot be lowered there really is nothing the City can do to significantly help this issue. Manager Wright stated he will provide this report to the property owners. Manager Wright commented that he will provide information on the costs associated with connecting these homeowners to the City's sanitary sewer system at the next Council Meeting.

Member Duncan stated he recently read an article that stated it is going to cost the Dispatch Center more money than they initially thought and asked for an update.

Manager Wright stated the committees have met and there has been some discussion about opening a backup Dispatch Center, which was not in the original plans. Manager Wright stated a decision has not been made. The Policy Committee will make that decision at a later date. Manager Wright stated we currently have a three-year commitment with the Montgomery County Sheriff and our costs are set.

Fire Chief Nickel apologized for his tardiness but explained that he was assisting with a structure fire in Harrison Township, and saw first hand how the 800 MHZ radios worked during a fire. Fire Chief Nickel stated he was very impressed on how the Montgomery County Sheriff Dispatch handled the active fire. They did a fine job.

Fire Chief Nickel reported five people are completing an EMT class this evening and reported three of those five are still in high school. If they pass and as soon as they turn 18, they will be able to ride in the Medic. These three individuals came out of the Cadet Program.

Fire Chief Nickel expressed his congratulations to Patrolman Hanson for his award. Fire Chief Nickel stated he is a good addition to the Brookville Police Department.

Member Ullery, along with Council, congratulated Fire Chief Nickel on his 20 years of service as Fire Chief for the City.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from April 17 to April 30, 2007. Police Chief Preston reported there were 269 calls for service in this time period. The number of reportable incidents are down 53 reports or 28% and total calls handled are down 319 or 13% from this same time last year. The average response time was 1.72 minutes.

Police Chief Preston reported the Brookville Police Department recently took delivery of the Speed Trailer and it should be placed in service in a week or two in residential areas and around the school.

Law Director Stephan presented a brief overview of Senate Bill 117, the local cable franchise preemption bill. S. B. 117 eliminates local regulations of cable services and right-of-ways. The Bill is designed to bring in competition. S. B. 117 would eliminate local franchising of cable services and have the state establish state-wide franchise fees, but the OML is predicting that cities will receive lower revenues from this new state-wide franchise fee. Law Director Stephan stated the Bill is still pending. The Ohio Municipal League is asking for municipalities' participation in providing testimony during the committee hearings and/or adopt a resolution opposing S. B. 117.

The consensus of Council is to hold off a little while longer to see what happens with the Bill in committee meetings.

Finance Director/Clerk Keaton presented the April 30, 2007 Fund Balance for review and approval.

Motion by Reel, second by Duncan to approve the April 30, 2007 Fund Balance as presented. All yeas, motion carried.

Finance Director/Clerk Keaton announced a Callbox has been ordered for the City building and it will be installed as soon as we take delivery in approximately four to six weeks.

Mayor Seagraves reminded all in attendance of the Brookville Baseball Club Opening Day Parade scheduled for this Saturday.

Mayor Seagraves announced that Member Hanos is interested in filling the Council seat on Planning Commission.

Motion by Garber, second by Ullery to appoint Member Hanos as the Council representative on Planning Commission. Ullery yea, Hanos abstained, Garber yea, Cantrell yea, Duncan yea, Reel yea and Seagraves yea. Motion carried with six yeas and one abstention.

Mayor Seagraves requested an Executive Session on a Real Estate Matter.

Chairperson Watkins, of the Brookville Planning Commission, read the Planning Commission's recommendation that Council accept and adopt proposed Ordinance No. 2007-05, which rezones part of Lot #1575 of the revised and consecutive numbers of lots of the City of Brookville, Ohio from its present classification of "C" Conservation District to the new classification of "R-1B," Urban Residential District. All yeas, motion carried.

Motion by Garber, second by Hanos to read proposed Ordinance No. 2007-05. All yeas, motion carried.

Motion by Garber, second by Duncan to accept the second reading of proposed Ordinance No. 2007-05. All yeas, motion carried.

Finance Director/Clerk Keaton announced that Member Cantrell has submitted her letter of resignation from the Brookville Board of Zoning Appeals since being appointed to Council. Finance Director/Clerk Keaton requested authorization to advertise the open seat on the Brookville Board of Zoning Appeals.

Motion by Garber, second by Hanos to authorize Finance Director/Clerk Keaton to advertise the open position on the Brookville Board of Zoning Appeals in the Brookville Star. All yeas, motion carried.

Motion by Duncan, second by Garber to read proposed Resolution No. 07-13. All yeas, motion carried.

Motion by Duncan, second by Reel to accept the third reading and adopt Resolution No. 07-13 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF SURPLUS PROPERTY EITHER AT A PUBLIC AUCTION OR AT A PRIVATE SALE." All yeas, motion carried.

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

Motion by Duncan, second by Cantrell to accept the first reading of proposed Ordinance No. 2007-11. All yeas, motion carried.

Mayor Seagraves set a Public Hearing on proposed Ordinance No. 2007-11 for June 5, 2007 at 8:00 p.m.

Manager Wright announced the City of Brookville was awarded a \$500,000 ED/GE Grant for Project Eagle. Manager Wright thanked the Mayor, Asst. City Manager Sewert and Law Director Stephan for all of their hard work on this Grant and Project Eagle itself.

Mayor Seagraves expressed his thanks and appreciation to the ED/GE Committee and Montgomery County. This ED/GE Grant will immensely assist Project Eagle.

Member Duncan thanked the Mayor and Staff for their dedication on Project Eagle.

In New Business, Member Garber commented that he recently received an OPERS Newsletter in the mail and there was an article on Healthcare that he wanted to be sure that all City employees received a copy of this article.

Finance Director/Clerk Keaton stated all employees enrolled in OPERS receive a copy of that Newsletter.

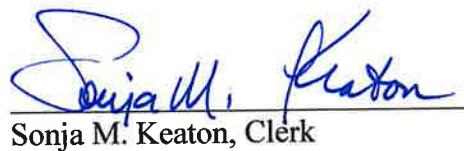
Member Reel reported the Arlington Woods Homeowners Association recently met, and it was revealed that Time Warner Cable is not providing cable services in Sections Two and Three, and he asked why?

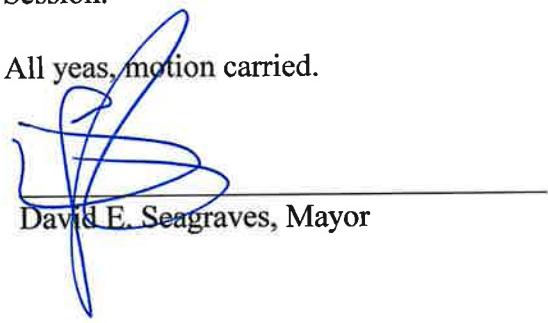
Manager Wright stated we can find out why.

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

Mayor Seagraves called Council back into Regular Session.

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


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor