

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
September 4, 2007

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on September 4, 2007 in the City Council Chambers. The pledge of allegiance was recited. Members Cantrell, 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 was absent.

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

Motion by Reel, second by Duncan to accept the August 21, 2007 Regular Meeting Minutes as presented. All yeas, motion carried.

Stefan Bridenbaugh, of the Montgomery Soil and Water Conservation District, reported the State Farm Service Agency (FSA) announced on August 6, 2007, a proposal that the Montgomery County office be closed and the staff combined with the Preble County Farm Service Agency office. Mr. Bridenbaugh stated a public meeting was held at Golden Gate Park today, and many local farmers were in attendance due to the large agricultural community that we have here in Montgomery County. Mr. Bridenbaugh commented that the proposed closure of the Montgomery County FSA office represents a reversal of policy for the State FSA. In 2000, the State FSA authorized the official Ohio County Office Co-location Mandate. Under this mandate, Montgomery Soil and Water Conservation District constructed a 3,000 square foot addition to its existing building to accommodate the Montgomery County FSA office. This co-location concept was meant to create a one-stop shop facility to provide more efficient service to farmers. Mr. Bridenbaugh indicated the Montgomery County FSA office, in terms of the number of producers and farms in the state, was ranked the 43<sup>rd</sup> and 45<sup>th</sup> largest office respectively of the 72 FSA offices and the Montgomery County FSA office was ranked the 12<sup>th</sup> most efficient in the state. Mr. Bridenbaugh requested Council adopt proposed Resolution No. 07-18, which is before Council tonight.

Motion by Hanos, second by Ullery to read proposed Resolution No. 07-18. All yeas, motion carried.

Member Garber commented that he would like to hear from the United States Department of Agriculture's Farm Service Agency on their reasons for the proposed closure of this site before taking a vote on this proposed Resolution.

Motion by Reel, second by Duncan to accept the first reading, dispense with the second and third reading and adopt Resolution No. 07-18 entitled "A RESOLUTION OPPOSING THE CLOSING OF THE MONTGOMERY COUNTY FARM SERVICE AGENCY OFFICE, AND DECLARING IT AN EMERGENCY." Garber abstained, Hanos yea, Ullery yea, Reel yea, Duncan yea, Cantrell yea and Seagraves yea. Motion carried with six yeas and one abstention.

Roger Hoover, representing the Brookville Park Board and Brookville Optimist Club, presented a proposal for a light display during the Christmas season at Golden Gate Park. Mr. Hoover stated a professional lighting designer has been retained to design and provide a light show at the park. The theme includes lighting a castle and the surrounding area. The show will be set to music and will last approximately 10 to 12 minutes. The castle will be constructed in the area between the restrooms and the volleyball court. Entrance to the light show will be through the front gate only. Vehicles will be staged in the back parking lot before the show to provide off-street movement of vehicles. Vehicles will then exit through the back gate of the park. Plans are to charge a fee of \$10 to \$15 per carload for this light show. Profits will be shared by Park Board and the local service clubs providing the parking and traffic control. Discussion was held on the potential costs to the Brookville Police Department on their overtime for traffic control on the streets around the park.

Police Chief Preston stated due to anticipated traffic congestion, it will require five officers working various traffic posts for the duration of the event for approximately six hours on each

of the nights. For a three-weekend event, projected overtime costs at a minimum, would be approximately \$10,700.

Manager Wright commented that a lot of traffic for this light display would be a great situation, but with this being the first year, it is too hard to predict if there will be a lot of traffic. If there is not a lot of traffic, Police Officers will be able to leave early, which in turn would bring the overtime costs down.

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. 2007-18, which rezones 903 Salem Street, Lot 1747 of the revised and consecutive numbers of lots of the City of Brookville, Ohio, from its present classification of "OR," Office Residential District to the new zoning classification of "PC," Planned Commercial District.

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

Clerk Keaton announced a Legal Notice was published in the August 22 and August 29 editions of the Brookville Star advising of this Public Hearing. Certified letters were mailed to 11 surrounding property owners. The City Office received one telephone call and the individual stated that he was not opposed to the rezoning of this property and we did have one individual stop in to review the Ordinance, and again there was not any opposition to this rezoning.

Law Director Stephan stated this is a proposed rezoning from Office Residential to Planned Commercial District for 903 Salem Street, and the applicant is R&B Contracting, Inc. Law Director Stephan stated R&B Contracting filed a proposed Planned Development Plan that will provide for construction of a new storage building at the site.

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

Buddy Cartwright, owner of R&B Contracting, Inc., stated that he has outgrown his existing building and he would like to construct a 70' x 140' metal building. Mr. Cartwright stated the existing zoning does not allow him to add on. Mr. Cartwright stated the new metal building will be similar in color to his existing building. Mr. Cartwright commented that he needs additional storage space for his equipment, which is currently being stored outdoors and the equipment is getting ruined.

Member Ullery inquired if there will be overhead doors on both ends of the building.

Mr. Cartwright stated he would like to put in two 16' x 16' on the south side and one 12' x 12' to get air going through there and whatever doors are required per the building code.

Member Ullery inquired if it will be blacktopped back to the new building.

Mr. Cartwright stated just in front of it. It will be a concrete slab and up to just where he can pull his trucks in and back in.

Joe Alles, of 951 Salem Street, inquired if it will be fenced.

Mr. Cartwright stated no.

Assistant Manager Sewert indicated there will be a 20' setback off the east property line.

Joe Garrett, of 935 Salem Street, commented that he just bought his home about four months ago and he is a relatively young guy buying it with plans on raising his kids there and he is worried about his property value and his kids safety. Mr. Garrett expressed concern for this turning commercial.

Law Director Stephan stated one thing that needs to be understood is that this rezoning is to a Planned Commercial Development for this specific plan. Any other type of business development, or change to this proposal, would require Planning Commission and Council

approval. For example, if Mr. Cartwright would want to expand in the future or do anything else with this business, that new plan is going to have to be approved. If there was any other business that wanted to come onto that lot, they would have to come in to obtain approval. Planned Commercial Development requires specific approval for each business that goes in there and for any changes. We do have some control on what happens here. It is a single lot and he can only operate this business on this lot. Planning Commission and City Council would have control on what would happen there in the future.

Mr. Garrett stated with that being said, first and foremost his biggest concerns are his kids that are four and nine years old. They are always playing out there.

Mrs. Garrett stated they do watch their children but you can't watch them every second and with no fence, their concern is with the big trucks that go in and out of that property.

Member Hanos inquired if there was a buffer required.

Law Director Stephan stated there is no specific fence buffer required in the code. As part of the Planned Development, if you wanted to make that buffer a stipulation or a requirement, Planning Commission and City Council can make that buffer requirement as part of the Planned Development.

Member Hanos stated devils advocate, the burden also would be on the property owner. The concerned citizens could certainly put up a fence, correct?

Mayor Seagraves stated yes.

Aaron Miller, of 918 Salem Street, stated that he has lived across the street from R&B Contracting for five years now. Mr. Miller stated that Mr. Cartwright is as considerate as he can be. This business is not like a drive through, or crazy with trucks flying in and out or anything like that.

Dottie Watkins, Chairperson of the Brookville Planning Commission, commented the idea of going to the Planned Commercial zoning is the control provision with this type of zoning. Chairperson Watkins inquired if the main entrance will be off of Albert Road.

Mr. Cartwright indicated the main entrance will be off of Albert Road. Mr. Cartwright indicated he only has two small dump trucks, not semis.

Chairperson Watkins stated Planning Commission was told that the trucks would only be present in the morning when they leave and in the evening when they return. The trucks will not be running in and out all hours of the day.

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

Discussion continued on the light display for Golden Gate Park.

Police Chief Preston stated the overtime cost figures provided earlier are the maximum; they could come down if the traffic turnout is not as high as what other entities indicated it may be.

Mr. Hoover stated the proposed castle light display would be approximately 55' x 21' at the highest point.

Member Reel expressed concern for the traffic and the parking lines the drive through concept may create. He is not in favor of the drive-through concept. People won't sit for three hours to watch a display. He would prefer a walk through display where people can come and go.

Mr. Hoover stated this is a huge fund raiser for all of the service groups that are participating. Mr. Hoover commented that they will be using 14 to 16 people from these service organizations to assist with traffic flow inside the park. Admission receipts will be split between Park Board, Lighting Designer, Brookville Optimist, Rotary and Kiwanis Clubs, Brookville Chamber of Commerce and a percentage will be set aside for maintenance and future expenses. Mr. Hoover



asked for Council's opinion on what amount they should charge for admission. Projected revenue figures were provided for charging \$10, \$12 and \$15 using an estimated 6,512 vehicles. Member Ullery commented since this is the first year for this event and we do not have exact cost figures for the Police Department overtime, money should be set aside to reimburse the Police Department for their expenses.

Member Cantrell stated we need to carefully consider the amount we are charging with this being the first year of the light display. We do not want to scare people away.

Motion by Hanos, second by Cantrell to allow the Brookville Optimist Club, in conjunction with Brookville Park Board to hold the Christmas Knights at Golden Gate Park on November 30, December 1, 7, 8, 14 and 15 from 6:00 to 10:00 p.m. and on December 2, 9 and 16 from 6:00 to 9:00 p.m. with the underground 100 amp service to the lighting area and a control building for lighting programming at a cost of \$3,200 to be provided out of the City's Park Fund, and with 50% of the Police Department overtime costs to be reimbursed. All yeas, motion carried.

Cheri Simon, of 12589 Air Hill Road, reported her parents closed on their Wolf Creek Street property in May, and the developer, Mr. Greg Barney has not mowed the property or kept it up. Ms. Simon commented that when Mr. Barney discussed his project with them, he indicated that he would begin the project on the south side of the development to allow access into and out of the proposed development for the two existing property owners at the rear of the property. Now Mr. Barney proposes to begin construction on the north side of the property.

Mayor Seagraves stated the Construction Drawings have not been submitted for approval to date, but the City could address the property maintenance issues with the developer at this time.

Ms. Simon stated if Mr. Barney comes back to Council to request changes, she would like Council to consider the easement to the back two properties that allows the property owners access in and out of their homes.

Manager Wright reported the Service Department has been doing a lot of maintenance work around the City. Manager Wright reported street sweeping is under away before the leaves fall down.

Manager Wright reported the construction of an additional parking area at the exit of Golden Gate Park is almost complete. Twenty five-additional parking spaces were created to assist the Brookville Pee Wee Football Program.

Manager Wright reported the City is currently performing maintenance work on sidewalks and curbs prior to street paving, which will begin in two to three weeks.

Manager Wright reported the Payless Project is on schedule. The walls are being erected at this time by large cranes.

Assistant Manager Sewert announced that Phoenix Building Solutions is taking \$7,500 off any new home from Phoenix Building Solutions to any honorably discharged veteran, member of the military, or the surviving spouse.

Police Chief Preston announced the Cops & Kids Fishing Derby will be held this Saturday beginning at 8:00 a.m. There are 57 pre-registered children for this event.

Member Garber commented that a decision on the School Resource Officer (SRO) Program was tabled at the last Council Meeting and he feels a decision should be made this evening to allow the Police Chief to move forward with his scheduling for 2008.

Motion by Garber, second by Duncan to not provide a School Resource Officer to Brookville Schools for the 2007/2008 school year. All yeas, motion carried.

Law Director Stephan reported proposed Ordinance No. 2007-19 is before Council tonight for a first reading as Council requested. Law Director Stephan stated the Ordinance reads that no

person shall apply an engine brake and/or use an exhaust braking system when operating a motor vehicle upon a street, highway, or other public right of way within the City which results in a loud noise. This provision shall not be applicable when the engine brake and/or exhaust braking system is applied in an emergency by the operator of the motor vehicle to maintain control of the vehicle and it shall not apply to emergency vehicles of the City of Brookville or other political subdivisions providing mutual aid in the City of Brookville. Whoever violates this ordinance is guilty of a minor misdemeanor.

Motion by Duncan, second by Ullery to read proposed Ordinance No. 2007-19. All yeas, motion carried.

Motion by Reel, second by Ullery to accept the first reading of proposed Ordinance No. 2007-19. All yeas, motion carried.

Finance Director/Clerk Keaton presented the August 31, 2007 Fund Balance for review and approval.

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

Finance Director/Clerk Keaton announced the first Council Meeting of 2008 falls on January 1, 2008 and requested that we reschedule that Meeting for January 2, 2008 so the 2008 Annual Appropriation Resolution can be adopted.

Motion by Duncan, second by Cantrell to reschedule the first Council Meeting of 2008 to Wednesday, January 2, 2008 at 7:30 p.m. All yeas, motion carried.

Finance Director/Clerk Keaton stated she was pleased to announce that the City is now able to accept American Express, Discover and Master Card payments through the Internet and through the telephone for water, sewer and refuse bills. This will begin with our next quarterly utility billing scheduled to be mailed out in October. Official Payments is the trusted payment partner of the United States Internal Revenue Service, 26 states, and more than 2,000 local and municipal collecting organizations nationwide, including more than 300 utilities. Official Payments will charge and collect a nominal fee, 3% of the base amount, for this automated service. Transactions will be authorized in real time and a confirmation number and receipt will be issued. The City will receive a report from Official Payments, on a daily basis, of all transactions posted to utility accounts. Payments will post to our bank account within two days of the transactions. There is no fee to the City for this service.

Mayor Seagraves congratulated the Brookville Soccer Association for their successful Opening Day festivities.

Mayor Seagraves encouraged Council to stop in during the Cops & Kids Fishing Derby. The annual Fishing Derby is a great community event.

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

Motion by Duncan, second by Garber to accept the third reading of Ordinance No. 2007-16 entitled "AN ORDINANCE REZONING 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." All yeas, motion carried.

In Old Business, Member Hanos inquired if there was any movement from the school safety presentation at the last Council Meeting.

Assistant Manager Sewert stated no, but a meeting is scheduled next week.

Member Garber inquired how the traffic flow was for opening day for Brookville Schools.

Police Chief Preston stated there were a few minor problems, but everything is running smoothly at this time.


Member Hanos commented that the pond at the corner of W. Upper Lewisburg-Salem and Arlington Roads is looking really bad. The City needs to address this with the developer.

Assistant Manager Sewert stated information was given to the developer about the irrigation system that is being used at Golden Gate Park. We can revisit this issue with the developer.

Member Duncan stated he has received a few complaints over the new cable channel lineup.

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

  
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Sonja M. Keaton, Clerk

  
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David E. Seagraves, Mayor