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BROOKVILLE CITY COUNCIL
REGULAR MEETING
June 6, 2006

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on June 6, 2006 in the City Council Chambers. The pledge of allegiance was recited. Members Garber, Hanos, Reel, Sanders and Ullery; Manager Wright, Assistant Manager Sewert, Law Director Stephan, Fire Chief Nickel, Police Chief Preston and Director of Finance/Clerk Keaton were present. Member Duncan was absent.

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

Motion by Sanders, second by Reel to accept the June 1, 2006 Youth-In-Government Special Meeting Minutes with a correction that Manager Wastler made the suggestion in order to save money, we should do away with the Police and Fire Departments and declare marshal law and not Council Member Hoffman. All yeas, motion carried.

Mary Hill, of 363 Leisure Drive, commented the new paint job on the water tower looks beautiful.

Manager Wright reported the Government Surplus Auction, which the City recently participated in, grossed approximately \$16,800. Manager Wright reported he purchased a used dump truck at this auction, which we appropriated for.

Manager Wright reported the painting of the water tower is complete, and the water tower is back in service. This paint job should last approximately 12 to 15 years.

Mayor Seagraves thanked the Administrative Staff on this project. Mayor Seagraves commented the Staff worked diligently on this project.

Member Garber commended Service Superintendent Ron Brandt for his commitment on this project. Member Garber stated Ron would not leave town throughout this project, so he would be readily available should any problems arise during this project.

Manager Wright reported the Youth-In-Government Program went well. Manager Wright reported Police Chief Preston notified the school of possible changes to the program in future years, particularly in the Police Department.

Manager Wright commented in response to the suggestions raised at the Youth-In-Government Council Meeting, he did check out the directional signs and stated they are ok. On the suggestion of changing the term "Football Fields" to "Stadium" on the directional signs, Manager Wright stated we printed the information that was provided by the School.

Manager Wright requested authorization to advertise for bids to complete the exterior facade on the City building located at 245 Sycamore Street and to advertise for bids for the repaving of Arlington Road between Westbrook Road and Wolf Creek Street, which may be combined with the Annual Repaving Program.

Motion by Garber, second by Ullery to allow Manager Wright to advertise for bids for the exterior facade at 245 Sycamore Street and the repaving of Arlington Road as requested. All yeas, motion carried.

Manager Wright reported the City will once again contract with Montgomery County to paint the stripes, center lines and edges, on the major thoroughfares throughout the City. These stripes need to be repainted every couple of years.

Manager Wright reported bids were recently opened for the Salem Street, Phase III Reconstruction Project and recommended that Council accept the lowest, responsive and responsible bid from Arcon Builders, Ltd.

Motion by Garber, second by Ullery to accept the bid from Arcon Builders, Ltd. of \$499,563.00 for the Salem Street, Phase III Reconstruction Project as the lowest, responsive and responsible bid as recommended by Manager Wright. All yeas, motion carried.

Manager Wright reported the Committee reviewing the possibility of constructing a new firehouse will meet on Monday, June 12, 2006 at 7:00 p.m. in the City Conference Room.

Manager Wright requested an Executive Session on a Personnel Matter.

Member Sanders reported he noticed that some of the holes, where the DP&L Poles were removed, have not been filled properly.

Manager Wright stated he will check into this matter.

Fire Chief Nickel presented the Monthly Fire/EMS Activity Report through May, which shows the Brookville Fire Department has responded to 498 medic calls and 147 fire calls for a combined total of 645 calls, year-to-date. Fire Chief Nickel commented we have received 29 mutual aid calls to date.

Fire Chief Nickel announced two of our long standing Fire Department personnel, Julie and Matt Caylor, are on a leave of absence from the Brookville Fire Department. Fire Chief Nickel commented this is a big impact on the Fire Department and they will be sorely missed.

Member Garber commended Fire Chief Nickel and his personnel for the exceptional treatment that was recently administered to a DP&L employee that received electrical flash burns.

Police Chief Preston presented an overview of the Incident List and Brookville Police Department Time Analysis from May 16 to June 5, 2006. Police Chief Preston reported there were 459 calls for service in this time period. The number of reportable incidents are down 71 reports or 19.9% and total calls handled are down 425 or 11.9% from this same time last year. The average response time was 2.02 minutes.

Police Chief Preston thanked the Brookville Chamber of Commerce for their exceptional organization for their annual Spring Fling which was recently held in the downtown area. The evening went smoothly with no major problems.

Law Director Stephan had no report.

Finance Director/Clerk Keaton announced the Brookville Planning Commission will hold a Work Session on Thursday, June 15, 2006 at 6:00 p.m. in the City Council Chambers. The Work Session is to hear details of pre-sale and rental inspections by John Bull, National Inspection Corporation Building Inspector, and to hear details of noise barriers along interstates by a representative from the Ohio Department of Transportation. Council is invited to attend.

Mayor Seagraves announced the Youth-In-Government Program went well this year and commended the Administrative Staff for their participation in this annual program.

Mayor Seagraves thanked the Brookville Chamber of Commerce for their annual Spring Fling event, which went well. Mayor Seagraves thanked the Administrative Staff for their participation in this event.

Motion by Garber, second by Reel to read proposed Resolution No. 06-10. All yeas, motion carried.

Motion by Garber, second by Ullery to accept the first reading of proposed Resolution No. 06-10. All yeas, motion carried.

In Old Business, Member Garber announced DP&L is performing work on their sub-stations which will increase capacity 30%.

Member Hanos asked for an explanation on the Memorandum from Law Director Stephan regarding the Hunters Run Subdivision.

Law Director Stephan reported Assistant Manager Sewert and he met with the developers of the Hunters Run Subdivision, Building by Design, recently to discuss proposed changes to exterior

building materials within their development. Law Director Stephan commented Building by Design recently submitted a letter indicating that they are amending the covenants and restrictions of Phase One of Hunters Run Subdivision to permit vinyl as a building material in the subdivision. Law Director Stephan indicated this change in the building material covenant does not, in his opinion, violate our current zoning code because the zoning code does not require approval of the covenants and restrictions of a subdivision, and the zoning code does not prohibit amendments to the covenants and restrictions, that may be made by a developer after approval of the subdivision plat. Law Director Stephan stated in addition, the current zoning code does not address building materials in residential districts. The planned development overlays for residential districts that are currently being prepared for review and possible adoption by Planning Commission and City Council will address modifications to covenants and restrictions regarding building materials, and require approval of the modification by Planning Commission and City Council.

Law Director Stephan commented the letter that was submitted by Building by Design, LLC, states they originally intended to require that the homes be 75% brick on the front of the house, and that the remainder of the house be sided with brick, wood, stone, or combination thereof. Law Director Stephan stated the developer based this covenant upon his plan to include a prominent local builder that specializes in brick homes in this project. However, this builder decided not to participate in this housing development. As a result, they now intend to adopt a covenant that will still require that the homes be 75% brick on the front of the house, but will permit vinyl as an acceptable building material for the rest of the house.

Member Hanos expressed concern that the developer presented one concept during the approval process, then when approved, changes were made.

Law Director Stephan stated currently we have no recourse on this issue, as long as it meets the zoning requirements within the specified zoning district. Law Director Stephan indicated the zoning code was met. Currently in our zoning code we do not control building materials and modifications in covenants and restrictions that apply to building materials. In the future, any changes to the covenants and restrictions regarding building materials will require approval of the modification by both Planning Commission and City Council if the plan development overlays, or specific building material standards are adopted.

Member Ullery inquired if we adopt the residential overlays, will it apply to subsequent sections in this particular development.

Law Director Stephan stated he will have to review that issue. Law Director Stephan expressed concern regarding application of a plan development overlay to subsequent sections within this development since this development has already received Preliminary Plat approval.

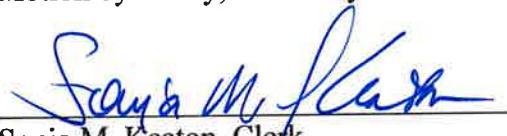
In New Business, Member Sanders expressed concern for the turn lane on Arlington Road between the new K's Restaurant and McMaken's. Member Sanders commented he did not think there is enough of a turn lane to turn properly.

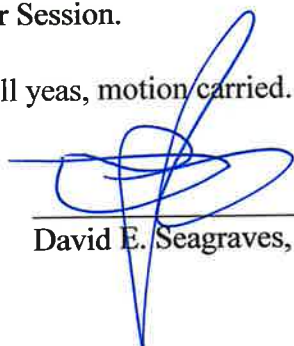
Manager Wright stated he will look into this. He has not received any complaints to date.

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

Mayor Seagraves called Council back into Regular Session.

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


Sonja M. Keaton, Clerk


David E. Seagraves, Mayor